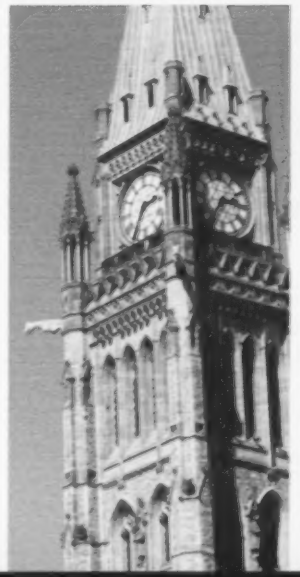
Office of the Commissioner of Official Languages

Commissariat aux langues officielles

LEADERSHIP
ACTION
RESULTS

ANNUAL REPORT 2010–2011



ANNUAL REPORT 2010–2011: LEADERSHIP, ACTION, RESULTS

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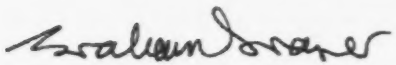
THE SPEAKER OF THE SENATE

Ottawa

Mr. Speaker,

Pursuant to section 66 of the *Official Languages Act*, I hereby submit to Parliament, through your good offices, the annual report of the Commissioner of Official Languages covering the period from April 1, 2010 to March 31, 2011.

Yours respectfully,



Graham Fraser

THE SPEAKER OF THE HOUSE OF COMMONS

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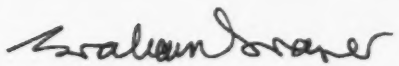

Graham Fraser

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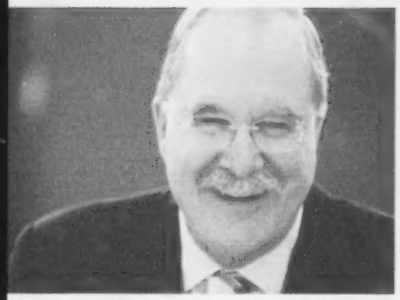


PREFACE

LEADERSHIP, ACTION, RESULTS

In November 2005, Parliament voted to amend Part VII of the *Official Languages Act* to require all federal institutions to take positive measures to enhance the vitality and development of official language minority communities, and to promote the use of English and French. It was a triumph for the late Senator Jean-Robert Gauthier; it was something he had worked for years to achieve, and the bill was finally passed after his retirement.

Now, six years later, many federal institutions still express uncertainty about the meaning of the Act as it stands now. What are positive measures? What constitutes promotion? How do we achieve the objectives of Part VII?

Four years ago, I proposed three guiding principles for federal institutions seeking to meet their obligations under Part VII of the Act: the need for every institution to develop a Part VII reflex, the importance of engaging citizens and communities, and the requirement of a continuing process for improving programs and policies. These three principles are just as relevant today.

We know that some federal institutions have been taking positive measures that benefit official language communities, but many are still unclear about what their responsibilities entail in practice. In the first three chapters of the 2010–2011 annual report, we develop a number of themes concerning Part VII obligations, and I hope that this will clear up some of these misunderstandings and will help public servants and official language communities alike to translate their ideas of positive measures into reality.

Some federal institutions find the obligation to promote the use of English and French even more nebulous. Successive governments have acted as if the sound of the other official language were offensive to those who do not speak it, and have limited their promotional activities accordingly. This often constitutes language policy by stealth: governments intervening to assist official language communities—but making sure that this happens without the majority communities being aware of it.

This approach overlooks the steady growth in support for Canada's experience with linguistic duality over the past four decades and underestimates Canadians' maturity and generosity of spirit.

With Canada welcoming a quarter of a million newcomers every year, it is essential to have a continual process of promotion of and public education about the place of our two official languages of communication. These new citizens will, over two or three generations, integrate fully into either the English-speaking or French-speaking communities.

In Chapter 1 of this year's annual report, we identify some of the challenges facing official language communities.

Clearly, some people in federal institutions are asking themselves, "What are we doing to make sure we are reaching out to official language communities in our day-to-day operations?" This is especially important in periods of change and innovation: new programs are developed; existing programs are modified, streamlined or eliminated; offices are closed. Part VII means that other questions must be asked. What impact is this going to have on official language communities? What kind of data do we have to evaluate this impact? If the decision cannot have a positive impact, how can the harm be minimized?

To answer these questions, I would ask another series of questions. What kind of consultation has taken place? With whom? What kind of information has been provided to ensure that the consultation is substantial and genuine and not simply lip service after a decision has been made?

In Chapter 2, we look at how leadership at different levels is necessary to ensure proper implementation of Part VII. The government, federal institutions with key responsibilities and all federal institutions must play their respective roles.

In this chapter, I recommend a modification of the legislation that would allow for a more coherent implementation of Part VII, and I look forward to the government's response to this proposal. My other recommendation aims at ensuring that all federal institutions are sending a clear message through the federal public service: supporting official language communities and linguistic duality is important and it is a priority. This recommendation would help prevent situations where the government and some federal institutions make decisions without taking into account the welfare of official language communities and promotion of linguistic duality. The Court Challenges Program was shut down in 2006, CBEF Windsor slashed in 2009 by CBC/Radio-Canada and the long-form census rendered voluntary in 2010—all decisions made without prior consultation or, as far as we could see, any prior evaluation of the impact on official language communities.

Regarding the elimination of the Court Challenges Program, the federal government reached an out-of-court settlement with the Fédération des communautés francophones et acadienne du Canada and established the Language Rights Support Program. We have taken CBC/Radio-Canada to court to establish our jurisdiction and the scope of the public broadcaster's responsibilities under Part VII. But trying to patch things up after the fact is not what Part VII is about; the government and federal institutions must ensure that planning, consultation and coordination all take place before decisions are made and that results are assessed. The government must acquire a Part VII reflex rather than treat Part VII as an afterthought.

In Chapter 3, we look at some of the initiatives that have been undertaken and that show how some institutions live up to the challenge. Health Canada has introduced effective processes, the Department of Justice developed the Justice and Security Network, and other federal institutions cooperate effectively, as was the case for the New Brunswick Federal Council, which engaged the community in a dialogue on Part VII. These examples illustrate the various steps that must be taken by federal institutions, from consultation and planning to evaluation.

It is hard to quantify imagination, develop a checklist for innovation or establish a regulatory framework for initiative. But Part VII, by its very nature, opens the door to a more responsive, citizen-sensitive approach to public administration. It also requires a greater tolerance for risk on the part of managers and administrators in a risk-averse environment. It is not always easy to reach out to official language communities and to imagine new ways of collaborating with them; it is much easier to follow directives from the deputy minister or the Treasury Board of Canada Secretariat. All levels of the public service, from top to bottom and back up again, have a role to play in the implementation of Part VII.

In the last three chapters of this annual report, we take a closer look at the compliance of selected federal institutions using some of the tools at our disposal, such as investigations, report cards and audits. We also report on the number of complaints filed by the public and federal employees, which is an indication of the compliance issues within institutions.

In Chapter 4, we show that, every year, hundreds of Canadians continue to file complaints because their language rights have not been respected. For an institution to respect its language obligations to citizens requires planning—and monitoring. As we show in this chapter, some investigations illustrate how institutions manage to resolve official languages issues. The findings of audits conducted this year are also presented. My third recommendation aims at establishing the minimum level of language skills required in order to supervise employees who work in bilingual regions. My last recommendation is addressed to the Minister of Transport, Infrastructure and Communities to confirm the right of the general public to communicate with airport authorities and receive services in either official language.

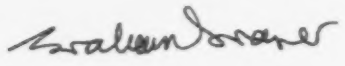
In Chapter 5, we present the report cards—showing that some federal institutions have done well and others have not. The report cards are intended as management tools to help institutions improve their performance. This year, we examined the compliance of 13 federal institutions that were selected because of the large sums of money they provide through their funding programs, some of which benefit official language communities.

Finally, Chapter 6 presents a general overview of the way in which federal institutions meet their obligations in terms of service to the public, language of work, community vitality and promotion of linguistic duality as well as official languages program management.

There is no magic wand that can be waved or a simple one-size-fits-all approach that can be applied to federal institutions' obligations related to the *Official Languages Act*. Compliance requires new approaches and different ways of doing things. It requires federal institutions to undertake concrete action in the form of positive measures.

Close federal-provincial collaboration is required, and all federal officials—including political representatives—play a leadership role. Federal officials lead as much by what they fail to do as by what they do.

In public administration, leaders are expected to produce positive results. So also in matters of official languages: strong leadership produces good results.



Graham Fraser

AWARD OF EXCELLENCE

PROMOTION OF LINGUISTIC DUALITY

This year, the Festival du Voyageur will receive the Award of Excellence—Promotion of Linguistic Duality.

Since it was first held in 1970, the Festival du Voyageur has been inviting people of all origins to come to Winnipeg in February—and brave the often intense cold—to commemorate Manitoba's Francophone and fur trader heritage.

Despite humble beginnings, the Festival is now a 10-day event that attracts more than 100,000 visitors a year. Organizers work together not only with the municipal government and various other levels of government, but also with groups such as Canadian Parents for French and school boards in order to put on events that delight visitors and galvanize the entire community.

The history, culture, cuisine and crafts of the French, Scottish, Métis and Aboriginal peoples are highlighted at various locations during the Festival. This large-scale intercultural gathering has become one of Manitoba's tourist attractions.

The enthusiasm that this event generates is contagious. Several municipalities where Francophones live now organize their own celebrations, incorporating some of the Festival's aspects.

The Commissioner of Official Languages introduced the Award of Excellence in 2009 to recognize individuals or organizations that are not subject to the *Official Languages Act* but that promote linguistic duality in Canada or abroad or contribute to the development of Canada's official language minority communities. He plans to officially present the award to Festival du Voyageur organizers in the next few months.

Past recipients of the Award of Excellence are Linda Leith, founder of Quebec's Blue Metropolis Foundation, and Claudette Paquin, former Chief Executive Officer of TFO, Ontario's French-language educational and cultural television network.

Roger Chamberland
Réanne Chamberland
Justin Chamberland
and Michelle Gervais
The Festival's
official Voyageurs

INTRODUCTION

SPOTLIGHT ON PART VII OF THE *OFFICIAL LANGUAGES ACT*

The Commissioner of Official Languages traditionally addresses the various parts of the *Official Languages Act* in his annual report. However, the first three chapters of the 2010–2011 annual report deal solely with examining the way in which the Government of Canada and its federal institutions[1] are fulfilling their responsibilities and obligations under Part VII of the Act. Chapters 4, 5 and 6, which present an analysis of how federal institutions are complying with the Act and which contain the report cards for 13 institutions, highlight the degree to which Part VII is being respected.

Part VII of the *Official Languages Act* was introduced in 1988. Since its adoption, section 41(1) of Part VII has comprised two distinct yet related paragraphs that strengthen Canadian language policy. The first paragraph states that "the Government of Canada is committed to enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development." The second paragraph, which primarily concerns Canada's official language majorities, states that the Government of Canada is committed to "fostering the full recognition and use of both English and French in Canadian society."

Mainly as a result of Senator Jean-Robert Gauthier's tireless efforts, the Parliament of Canada amended Part VII of the *Official Languages Act* in 2005.

Since then, section 41(2) of Part VII has stated that "every federal institution has the duty to ensure that positive measures are taken for the implementation of the [federal government's] commitments." Part VII also became enforceable, which means that it gives complainants the right to seek a court remedy when federal institutions do not meet their obligations with respect to promoting English and French and supporting the development of official language communities.[2]

The Act does not specify what a positive measure is, and so the field is open for federal institutions to define what it means in practice. For the Commissioner of Official Languages, it essentially means a measure that has a real and constructive impact on the vitality of official language communities and on the advancement towards the equality of English and French in Canadian society. Each federal institution must define the measures to be taken by working closely with official language communities and taking their needs into account.

1 Throughout this report, the term "federal institutions" is used to designate federal institutions and organizations that are subject to the *Official Languages Act*.

2 Throughout this report, official language minority communities are designated by the term "official language communities."

Three principles for implementing Part VII

In his 2006–2007 annual report,[3] the Commissioner of Official Languages proposed three principles for implementing Part VII of the *Official Languages Act*, to help federal institutions in developing positive measures.

1 DEVELOP A PART VII REFLEX

The Part VII reflex consists of adopting a proactive and systematic approach that takes into account the needs and interests of official language communities and linguistic duality partners when making decisions and when developing and implementing policies, programs and agreements. Federal institutions need to use the "section 41 lens" to target official language communities individually and differentiate between them in order to achieve substantive equality. They must also ensure that this approach promotes linguistic duality and the equal status of both official languages throughout the country.

2 PROMOTE THE ACTIVE PARTICIPATION OF CANADIANS

By taking a participatory approach that encourages all partners to communicate and work together, federal institutions will succeed in finding courses of action that effectively address the specific needs of all parties involved. This way, the measures taken by all partners will be more likely to have a positive impact on the vitality of official language communities and on the promotion of linguistic duality.

3 ESTABLISH A CONTINUOUS PROCESS FOR IMPROVING PROGRAMS AND POLICIES RELATED TO PART VII

Federal institutions must establish specific indicators to evaluate the progress that has been made as a result of the positive measures that they have adopted. They must also implement better targeted and more effective positive measures. Federal institutions must contribute to official languages research and ensure that they have the proper tools to evaluate the impact of their actions in order to enhance the vitality of official language communities and foster linguistic duality.

Why is it taking so long for Part VII of the *Official Languages Act* to produce concrete results? A variety of obstacles prevent the Government of Canada and its federal institutions from being able to implement Part VII effectively. The potential to achieve the expected results in the promotion of English and French is greater when the five elements of the virtuous circle of implementing the *Official Languages Act* are taken into account.

3 Office of the Commissioner of Official Languages, *Annual Report 2006–2007*, (Ottawa, 2007), pp. 32–34. Also available on-line at www.officiallanguages.gc.ca/html/ar_ra_2006_07_e.php (accessed March 31, 2011).

FIGURE 1
THE VIRTUOUS CIRCLE OF IMPLEMENTING
THE *OFFICIAL LANGUAGES ACT*

The following descriptions of the key elements of the virtuous circle of implementing the *Official Languages Act* have been adapted to focus on Part VII of the Act.

KNOW
The government and federal institutions must first ensure that their managers and employees know and understand their obligations under Part VII. All federal employees must also know how to create conditions that will make it possible to develop and implement positive measures.

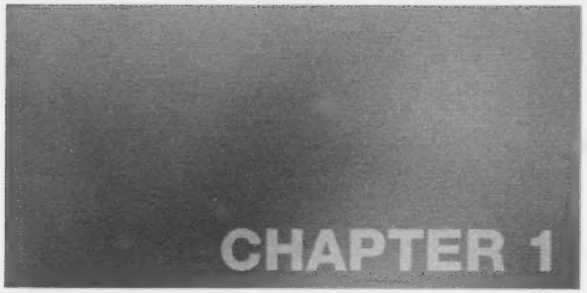
WANT
The government and federal institutions must then show a strong determination to apply Part VII. The vitality of official language communities and the strengthening of linguistic duality depend on it.

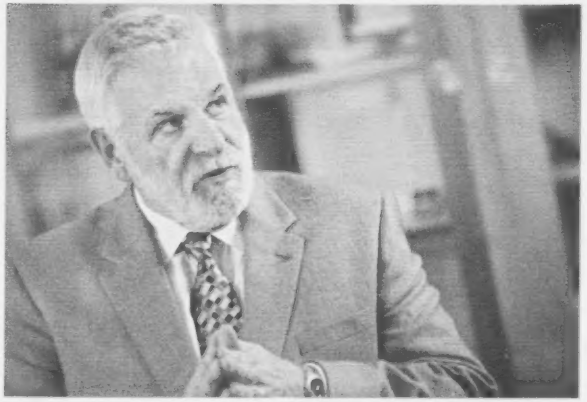
PLAN
Interventions in the context of applying Part VII must be planned methodically. In terms of Part VII, an institution should identify the official language communities affected by its mandate and consult them to understand their needs and take these into account when developing new programs.

DO
The best plans for promoting English and French will not have any tangible impact unless they are carefully carried out, which requires active and sustained commitment from management.

CHECK
The government and federal institutions must ensure that the results of the measures taken under Part VII can be extensively and thoroughly evaluated.

All federal institutions are capable of applying Part VII of the *Official Languages Act*, as long as they firmly commit to promoting both official languages, and take a systematic approach. Supporting the development of official language communities and promoting linguistic duality are an integral part of leadership. The Government of Canada needs to show this kind of leadership so that the message is understood by everyone and so that its effects are felt in all federal institutions and at all reporting levels.





STATE OF AFFAIRS

Part VII of the *Official Languages Act* stipulates that the Government of Canada and all federal institutions must help ensure the vitality of official language communities and encourage the use of both English and French. To meet these objectives, the government and federal institutions must recognize the nature of Canada's linguistic landscape and contribute to building bridges between official language majority and minority communities.

Federal institutions must take into account the needs and individual characteristics of official language communities, as well as community priorities in terms of development. They must likewise consider the barriers to strengthening linguistic duality in Canadian society and work to overcome them. Only through this process can the positive measures required by the legislation be developed and implemented.

But what are these needs?
What are these barriers?

Jennifer Johnson
Quebec

1.1 CONTRIBUTING TO THE VITALITY OF OFFICIAL LANGUAGE COMMUNITIES

A few facts

Canada's official language communities are home to approximately two million people. About half are French-speaking Canadians living in the country's 12 predominantly English-speaking provinces and territories, and the other half are English-speaking Canadians living in the various municipalities and regions of Quebec.

The situations of official language communities vary widely from one location to another. Some are thriving, while others are experiencing significant difficulties on a demographic, economic, social or cultural level. Canada's official language communities benefit from the support of the Government of Canada and its partners. In the following sections, community leaders give us a brief overview in their own words of the obstacles to overcome.

Responding to the growing health care needs of English-speaking Quebecers

"Quebec's English communities are facing considerable difficulties in the field of health care,"[1] said Jennifer Johnson, Executive Director of the Community Health and Social Services Network, an organization that provides support to English-speaking Quebecers so that they can receive health care and social services in their language.

First, several of these communities have a higher proportion of unemployed individuals and low-income earners than the average in Quebec. "This is a serious problem," noted Ms. Johnson, "because research shows that people who are economically disadvantaged tend to have more health problems. Federal institutions in the health care and economic sectors should take this reality into account and work together."

Second, some English-speaking communities in Quebec are so small that health care decision makers do not always give sufficient consideration to their needs. "In areas like the Saguenay, Québec City / Chaudière-Appalaches or the Lower Saint-Lawrence region, where English-speaking Quebecers represent less than 2% of the population, the specific needs of the English minority communities are not even on the radar of many service providers," said Ms. Johnson.

Finally, many members of these English-speaking communities are hesitant to request the services in English that they are entitled to for fear of being penalized. "They know how much pressure there is on the health care system, so they're afraid to ask for services in English because then they may have to wait even longer," added Ms. Johnson.

English-speaking communities that do not have direct access to members of the Community Health and Social Services Network should establish partnerships with local decision makers in the Quebec health care system. "The communities have a key role to play in developing and implementing solutions that would allow them to receive health care services in English," concluded Ms. Johnson. "You have to have their participation to ensure that initiatives take their true needs into account and that, as a result, they get the maximum benefit."

1 Unless otherwise indicated, all quotations cited in this report were obtained by e-mail or during telephone interviews conducted between January 19 and March 20, 2011.

Healthy living in French

"People in pain usually want to communicate in their mother tongue," said Claudine Côté, Executive Director of the Société Santé en français. "The problem is that the resources to properly meet the needs of French-speaking minority communities are often lacking or uncertain." The result? "Patients in crisis will sometimes call a suicide prevention hotline only to find that no one there can speak French to help them cope with the crisis they are going through."

"Although significant progress has been made, there are still communities that are not receiving adequate services in French," continued Ms. Côté. "This is where the federal government could take on a leadership role with provincial health authorities and territorial health care systems. [translation]"

Strengthening French-language schools

Education is one of the key links in the chain through which official language communities transfer their language and culture to their youth so that they too can one day pass them along. This is why French-language school boards are determined to protect their client base, which could expand the ranks of French-speaking communities and to ensure that they are properly integrated into the communities.[2] The school boards also go to great lengths to convince parents to exercise their right to send their children to French-language schools. For example, Ontario's Ministry of Education, in collaboration with Ontario school boards, has launched a campaign called "Choosing French-language education in Ontario opens up a world of possibilities!".

According to the Fédération nationale des conseils scolaires francophones, there are 627 French-language schools from kindergarten to grade 12 outside of Quebec.[3] Nearly half of children with at least one French-speaking parent attend one of these schools.[4] Many eligible children, however, are enrolled in English-language or immersion schools in their area, often because their parents are unaware of the benefits of attending French-language schools (see textbox on next page).

2 For example, see Office of the Commissioner of Official Languages, *Language Rights 2007–2009* (Ottawa, 2009), p. 19, also available on-line at www.officiallanguages.gc.ca/html/lr_dl_2007_09_p5_e.php (accessed March 31, 2011); and Maxence Jaillet, "CSFTNO c. P.G. TNO : Un soutien national," *L'Aquilon*, December 16, 2010, also available on-line at www.aquilon.nt.ca/Article/Un-soutien-national-201012162058/default.aspx - article (accessed March 31, 2011) [French only].

3 Fédération nationale des conseils scolaires francophones, *Annuaire de l'éducation en français au Canada 2010–2011*, 11th edition (Ottawa, 2010). Also available on-line at www.fncsf.ca/annuaire (accessed March 31, 2011) [French only].

4 Statistics Canada, *Minorities Speak Up: Results of the Survey on the Vitality of the Official-Language Minorities*, Statistics Canada Catalogue no. 91-548-X (Ottawa, 2007), p. 50. Also available on-line at www.statcan.gc.ca/pub/91-548-x/2007001/4185569-eng.html#a3 (accessed March 31, 2011).

Roger Paul
Ontario

Promoting the benefits of French-language schools outside of Quebec

According to Roger Paul, Executive Director of the Fédération nationale des conseils scolaires francophones, "People do not quite realize that children who attend French-language schools as opposed to French immersion schools gain much more than a knowledge of French. They also develop a deeper understanding of their province's Francophone culture, all while respecting their own identity. [translation]" Rodrigue Landry, Executive Director of the Canadian Institute for Research on Linguistic Minorities at the Université de Moncton, added that "in a French-speaking minority community, children who attend a French-language school and who communicate with their French-speaking parent in French (regardless of what language they use with the English-speaking . . . parent) tend to speak French just as well as children with two French-speaking parents and have the same sense of French-Canadian identity . . . . These children are also exemplary models of additive bilingualism. Their English skills are comparable to English-speaking students and they retain their English heritage despite their all-French education. In fact, they have a very strong sense of their English-Canadian identity. [translation]"[5]

French-language schools are looking to broaden the range of courses they offer and acquire more educational resources adapted to the reality of French-speaking students (especially newcomers); to recruit specialized personnel (for example, speech therapists), especially for schools located outside major city centres, as they often have greater need; and to make their schools a solid foundation for the vitality of French-speaking communities.

Roger Paul, Executive Director of the Fédération nationale des conseils scolaires francophones, cites the example of "L'Étoile du Nord school district in Campbellton, New Brunswick, [which] decided to make all of its schools 'community schools,' institutions where people involved in the community worked together with school staff on a regular basis, all for the good of the school and the community. It is because of these kinds of projects that the Canadian Francophonie will be able to meet the complex challenge of its long-term development. [translation]"

5 Rodrigue Landry, *Petite enfance et autonomie culturelle : Là où le nombre justifie...V* (Moncton: Institut canadien de recherche sur les minorités linguistiques, 2010), pp. 11-12. Also available on-line at http://cnpf.ca/documents/Petite_enfance-Final_(7_mai_2010).pdf (accessed March 31, 2010) [French only].

Maintaining enrolment in English-language schools in Quebec

English-language school boards in Quebec are concerned with the issue of recruitment because they face school closings in small communities. "English-speaking Quebecers, and the public school system that serves them, have made the mastery of French priority number one, and we have the successful results to prove it," said Debbie Horrocks, President of the Quebec English School Boards Association. "We are contributing to the francization of Quebec. In that context, it is enormously frustrating to be continually fighting ever-more restrictive amendments and administrative regulations on access to English schools. Our schools will always find the tools to serve their students and their communities well, but we must be given the necessary oxygen to do so."

Ensuring the vitality and development of Quebec's English-language culture

"English-speaking American culture is omnipresent in Quebec, as it is elsewhere in Canada. This inexhaustible supply of imported product drowns out local English-speaking culture," explained Guy Rodgers, Executive Director of the English-Language Arts Network.

"To develop constructive working relationships with our Francophone colleagues in an environment where increased vitality of the English language is often seen as a threat to French, our artists in Quebec kept a very low profile for many years. The unintended consequence was to make ourselves doubly invisible," he added. "This is ironic because many English-speaking artists—from Arcade Fire to award-winning authors like Rawi Hage and Heather O'Neill—are well known as individuals. Our priority is to establish the 'brand' of English-language culture as a positive and creative force within Quebec. This is a major challenge!"

"To strengthen community vitality, we also need to improve access to English-language culture in Quebec," said Mr. Rodgers. "There is a shortage of performance space in Montréal, and English-speaking communities outside of Montréal have access to very few live performances. Infrastructure is necessary to connect the current renaissance of creative artists with their audience. Believe me, a flood of American product is not helping us build a stronger community!"

Éric Dubeau
Ontario

French-speaking artists face competition from two majority communities

"Artists and cultural workers from French-speaking communities face many challenges, and one of the biggest challenges is the fact that the communities are isolated. There is also the ongoing issue of audience development in order to generate interest in French-Canadian artistic and cultural products and works, which are often not as well known within our own communities because there is unfortunately no access to cultural events featuring local artists," said Éric Dubeau, Executive Director of the Fédération culturelle canadienne-française. The offerings from English Canada and French Quebec are very appealing, however. "Essentially, we're facing competition from two majority communities," said Mr. Dubeau.

Creating a network that will effectively promote French-language culture is also a sizable undertaking. For example, for the past 10 years, French-speaking communities have had an organized circuit to present performing arts; however, according to Mr. Dubeau, "they still don't have enough resources to sustain their cultural centres and theatres or to offer quality services to Francophones and francophiles on a daily basis. [translation]"

Developing the economy of official language communities

In 2009, after several years of preparation and with support from various governmental partners, the Coasters' Association launched a project for the revitalization and diversification of the resources of the North and farming in the Lower North Shore region of Quebec. The initiative aims to develop an agri-food system involving the cultivation of berries and wild mushrooms, as well as the development of products for the agri-food and natural health sectors in the Lower North Shore region, an area populated mainly by English-speaking Quebecers. The project was designed to alleviate one of the problems faced by the Coasters' community, much like many other English-speaking communities in Quebec are facing: the decline of the very industry that once sustained their community.

"We have to stop the exodus from our communities," asserted Anthony Dumas, President of the Coasters' Association. "In 2003 the moratorium on cod fishing resulted in 50% of the population leaving the region for seasonal work. When I say 'leaving the region,' I mean leaving the province of Quebec because they can work everywhere else in Canada except in their own province. Many of the youth are leaving forever. Our quality of life, job opportunities and capacity to support our social economy and community rely on our economy."[6]

6 Standing Senate Committee on Official Languages, *Proceedings of the Standing Senate Committee on Official Languages*, Issue 7 (Ottawa, September 13, 2010), p. 44. Also available on-line at www.parl.gc.ca/40/3/parlbus/commbus/senate/com-e/offi-e/07eva-e.htm?Language=E&Parl=40&Ses=3&comm_id=595 (accessed March 31, 2011).

Economic development in Acadian New Brunswick

From an economic development standpoint, "we first need to encourage value-added activities in the Acadian Peninsula," stated Roger Doiron, Vice-President of the Société de l'Acadie du Nouveau-Brunswick. In particular, "we need to ensure that our fishing products are processed on site, in Acadian New Brunswick, rather than elsewhere," he added. Better recognition of diplomas held by French-speaking immigrants would help boost the community's economy. "Many Francophones leave their communities to settle in southern New Brunswick or other places where there are more job opportunities," noted Mr. Doiron. "This exodus has a marked effect on the community because it results in school closings, which in turn makes young families leave, and so on. Governments will also have to show their determination and willingness to help the community reverse this trend. [translation]"

Integrating newcomers

Immigration is one of the key elements in the development of French-speaking communities because it has the potential to stop their demographic decline. French-speaking communities are thus becoming increasingly aware of the importance of immigration. Bolstered by the support of the federal government, the provinces and other partners, these communities are putting more effort into attracting immigrants from countries such as France, Morocco and the Democratic Republic of the Congo.

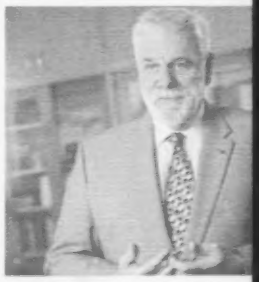
According to Marc Arnal, Dean of the University of Alberta's Saint-Jean Campus, French-speaking communities are in the process of "changing the definition of the word 'Francophone' from one based primarily on traditional interpretations of culture, to one based on the language a person uses and, particularly, on the willingness of that person to actively contribute to the advancement of French. [translation]"

Building bridges between majorities and official language communities

"To build the Canadian Francophonie," said Denis Desgagné, the Chief Executive Officer of the Centre de la francophonie des Amériques, "it is essential that Francophones and other Canadians learn to work together in a win-win relationship."

Mr. Desgagné developed this strong conviction when he headed up the Assemblée communautaire fransaskoise. "One day, we realized that the majority didn't know us very well. As for us, we ended up discovering that the Saskatchewan majority is actually made up of minority groups: alongside the Métis are people of German background, Ukrainian background, etc. It was time to tear down the walls and get to know each other better. [translation]"

Through communication, the Métis and Fransaskois began healing some deep wounds caused by 125 years of history. They also laid the groundwork for a new collaboration whose most recent initiative is a promising project to promote the Batoche area cottage industry and its products.



Marc Arnal
Alberta

English-speaking Quebecers reach out to their French-speaking neighbours

English-speaking communities in Quebec demonstrate a firm resolve to develop and preserve their own identity, but leaders and members alike are firmly convinced that they will not be able to reach this objective unless they work together with the French-speaking majority. This is the reason behind events like Townshippers' Day, created 30 years ago by the English-speaking community of the Eastern Townships, with a population of about 35,000. The event celebrates the community's roots in the region and strengthens the bonds with the 400,000 French-speaking residents of the Eastern Townships. "[Inclusiveness is] part of the widespread Townships approach to working and living together as one community, English- and French-speaking . . . ."[7]

1.2 PROMOTING LINGUISTIC DUALITY

Linguistic duality: A valuable asset

In Canada, more than five million people report being able to speak both official languages.[8] Linguistic duality is a fundamental Canadian value and an important asset from every perspective.

Economically, the availability of a bilingual and well-educated workforce explains some of the reasons why, in the past two decades, New Brunswick has become an attractive location to set up major call centres.[9] Furthermore, the fact that Montréal has the highest number of bilingual and trilingual residents in North America gives it a huge advantage in this age of globalization and explains in part why the Quebec metropolis continues to distinguish itself in the high-tech sector, despite the current economic crisis.[10]

From a political standpoint, linguistic duality is still undeniably a major cohesive factor in Canadian society. In fact, according to a recent Angus Reid public opinion poll, 62% of Canadians feel that they live in a bilingual country. In addition, 84% of Quebecers believe that it is important to be fluent in both official languages.[11]

7 Scott Stevenson, "Escape to the Townships Community," *Beyond Words*, August 16, 2010, www.officiallanguages.gc.ca/newsletter_cyberbulletin/16_08_2010/townships_cantons_e.htm (accessed March 31, 2011).

8 Statistics Canada, *Knowledge of Official Languages (5), Number of Non-official Languages Known (5), Age Groups (17A) and Sex (3) for the Population of Canada, Provinces, Territories, Census Metropolitan Areas and Census Agglomerations, 2006 Census – 20% Sample Data* (table), *Topic-based Tabulations: Knowledge of Official Languages*, Statistics Canada Catalogue no. 97-555-XCB2006009 (Ottawa, October 22, 2007).

9 Carol Power, "New Brunswick called best place for a call center," *American Banker* 65, 8 (January 12, 2000).

10 Department of Foreign Affairs and International Trade, "Greater Montreal market remains highly attractive to foreign investors," *Media Resource Center* (September 28, 2010), http://media.investincanada.gc.ca/eng/canada-in-the-news/greater-montreal-market-remains-highly-attractive-to-foreign-investors.aspx (accessed March 31, 2011).

11 Vision Critical / Angus Reid *La Presse* public opinion poll, February 9-10, 2011, *Large Majority of Quebecers Disagrees with Bernier on Bill 101*, www.visioncritical.com/public-opinion/5835/large-majority-of-quebecers-disagree-with-bernier-on-bill-101/ (accessed March 31, 2011).

Federal bilingualism is the reason Canada stood shoulder to shoulder with other French-speaking countries that sent peacekeeping troops to Haiti, troops whose exceptional contribution was praised by the Special Representative of the Secretary-General of the United Nations.[12]

Canada's double advantage

Although English is undoubtedly the lingua franca of the early 21st century, French remains one of the most widely taught and used languages in African, Arabic, European, Hispanic and Anglophone countries. "In fact, never in the history of French have so many people learned or spoken that language. [translation]"[13]

Canadians feel that linguistic duality is a major factor in cultural enrichment. Twenty-nine percent of French-speaking Quebecers report watching television shows equally in English and in French,[14] and 20 to 26% of English-speaking Canadians say they have attended at least one French-language cultural event in the past year.[15]

Just as the various parts of the *Official Languages Act* form a coherent whole, promoting linguistic duality is both an objective in itself and a means of better serving the public, fostering increased use of English and French as languages of work in the federal government and strengthening the vitality of official language communities.

Not only do French-as-a-second-language programs open up new horizons for allophones and English-speaking Canadians, they also benefit French-speaking communities. For example, children and adults who learn French sometimes establish relationships with or even join French-speaking communities, by attending their institutions or becoming active members of the community.

It is important to remember that the responsibility for promoting linguistic duality rests first and foremost with the Government of Canada; however, federal institutions cannot fulfill this responsibility in a vacuum. They must form partnerships with other key players, such as provincial, territorial and municipal governments, post-secondary institutions, businesses and non-governmental organizations.

Progress is being made, but there is still room for improvement

We are still a long way from full compliance with the *Official Languages Act* and from the vision the Commissioner of Official Languages presented in his 2008–2009 annual report: one of a country that never misses an opportunity to reflect, celebrate and showcase its linguistic duality.

12 "La sécurité et la santé, principales préoccupations de Stephen Harper," *Métropole Haiti*, July 21, 2007, www.metropolehaiti.com/metropole/full_une_fr.php?id=12854 (accessed March 31, 2011) [French only].

13 Jacques Leclerc, "Le français," in *L'aménagement linguistique dans le monde* (Quebec City: Université Laval, 2010), www.tlfq.ulaval.ca/axl/langues/2vital_inter_francais.htm (accessed March 31, 2011) [French only].

14 Ministère de la Culture et des Communications du Québec, *La pratique culturelle au Québec en 2004* (Quebec City, 2005), p. 9, www.mcccf.gouv.qc.ca/fileadmin/documents/publications/pratique_2004_1.pdf (accessed March 31, 2011) [French only].

15 Jack Jedwab, *Francophonie and Cultural Consumption: Is* Official Languages Act *the Precursor for Multiculturalism Policies?* (Montréal: Association of Canadian Studies, 2009), slide 15, www.acs-aec.ca/en/social-research/language/ (accessed March 31, 2011).

It could be seen in Vancouver, where the opening ceremony of the 2010 Winter Olympic Games did not fully reflect Canadian linguistic duality.[16] It can be seen every day as well, when the government fails to take sufficient measures to remind managers and employees of federal institutions that linguistic duality is an essential value in the public service. It is important to ensure that linguistic duality is not celebrated just once a year on the second Thursday of September, which marks Linguistic Duality Day.

Five provinces, five days of discussion

In 2010–2011, as a follow-up to the study *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities*,[17] the Office of the Commissioner of Official Languages and Canadian Parents for French organized a series of five round tables on second-language education. Participants at these round tables, held in universities in Manitoba and Atlantic Canada, discussed the obstacles that need to be overcome to ensure that young Canadians become bilingual. The round tables enabled participants to share interesting practices that should be adopted by all key partners.[18]

There are many obstacles to overcome in order to increase the number of bilingual Canadians. In Quebec, there is a shortage of qualified English-as-a-second-language teachers to teach in elementary and high schools. Elsewhere in Canada, there are not enough post-secondary programs in French, and so students cannot take courses in their area of specialization in their language.

On the issue of second-language learning, one problem in particular stands out: young allophones from English-speaking provinces are still having too much difficulty enrolling in French immersion programs.

The Canadian Parents for French report entitled *The State of French-Second-Language Education in Canada 2010 – Executive Summary*[19] addresses this issue. It states that, outside of Quebec, many allophone parents would like their children to be able to learn French. However, many of them do not receive information on French immersion programs offered in the school system. Furthermore, too many allophone students are discouraged or even prohibited from getting an education in French as a second language.

The federal government needs to encourage all of its partners in the field of education to take measures to ensure that allophone parents are fully aware of French immersion programs, and to assist and encourage them to enrol their children in these programs. It would also be helpful to increase awareness among school staff of the fact that allophones would benefit from learning French.

16 Office of the Commissioner of Official Languages, *Final report on the Vancouver 2010 Olympic and Paralympic Winter Games* (Ottawa, 2010), p. 11. Also available on-line at www.officiallanguages.gc.ca/html/stu_etu_122010_e.php (accessed March 31, 2011).

17 Office of the Commissioner of Official Languages, *Two Languages, a World of Opportunities: Second-Language Learning in Canada's Universities* (Ottawa, 2009). Also available on-line at www.officiallanguages.gc.ca/html/stu_etu_102009_e.php (accessed March 31, 2011).

18 Office of the Commissioner of Official Languages, *Four Provinces, Four Days: Report on Atlantic Round Table Discussions on the Continuum of Second-Language Learning Opportunities* (Ottawa, 2010). Also available on-line at www.officiallanguages.gc.ca/html/stu_etu_082010_e.php (accessed March 31, 2011).

19 Canadian Parents for French, *The State of French-Second-Language Education in Canada 2010 – Executive Summary* (Ottawa, 2010), p. 5. Also available on-line at www.cpf.ca/eng/pdf/FINAL FSL REPORT (ENGLISH).pdf (accessed March 31, 2011).

When encouragement is lacking

– Does your son study French?
– No.
– Was he given the choice to study French?
– But the teachers say that is too hard for them.
– Do you think so?
– No, I think children need to learn more. But they say no, no, he doesn't need French, he only needs English . . . . I said to the teacher he needs French, and she said no, maybe French is too hard for him, maybe next year he take French, and my husband say no, no, French is very important here . . . . Yeah, they keep saying it is too hard for him . . . .
– Do you agree?
– No . . . . But for this year it's okay. I listen to the teacher. But next year he takes French.

Allophone parent in North Bay[20]

1.3 THESE CHALLENGES CALL FOR CHANGES

There is still progress to be made before official language communities reach their optimal level of vitality, before linguistic duality is recognized as a fundamental value in Canada and before all Canadians can learn the other official language if they want to.

To overcome the difficulties that are impeding vitality, both communities and key partners with a vested interest in the issue of linguistic duality need the support of the Canadian government and its institutions, support they already have in part. For example, the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future* made it possible to initiate or continue numerous projects aimed at promoting linguistic duality to all Canadians, fostering the economic development of official language communities and improving the situations of these communities, especially in the areas of health care, education, immigration and culture.

However, the government and its institutions must improve the quality of their initiatives in order for the communities to overcome the challenges they are facing. During the Dialogue Days that Canadian Heritage organized in May 2010 regarding

20 Callie Mady, *Voices of Allophone Adults and Allophone University Students: Perspectives and Experiences with French as a Second Official Language in Canada* (Ottawa: Canadian Parents for French, 2010), p. 28, www.cpf.ca/eng/resources-reports-fsl.html (accessed March 31, 2011).

the official languages program and the Roadmap 2008–2013, representatives of official language communities insisted on the need to improve relationships and cooperation among institutions and between institutions and communities, both nationally and regionally.

These representatives also said that a five-year action plan is needed to promote English and French in Canadian society. The federal government will also have to show more determination in implementing Part VII of the *Official Languages Act*; Canadian Heritage and the Treasury Board of Canada Secretariat will have to play a more active role in this implementation; and all federal institutions will have to fully meet their obligations under Part VII of the *Official Languages Act*.

On March 9, 2011, the Office of the Commissioner of Official Languages held a discussion forum entitled *Implementing Part VII of the* Official Languages Act: *Knowledge, Dialogue, Action*. This event, which brought together more than 100 participants representing federal institutions, official language communities and other organizations, was a success. Many participants said that the event not only enabled them to establish or continue discussions on implementing Part VII of the Act and taking positive measures, it also helped them to enhance their collective knowledge and understanding of the related issues and challenges.

TIME FOR CHANGE

In his 2006–2007 annual report,[1] the Commissioner of Official Languages proposed three principles for guiding the Government of Canada and federal institutions in the implementation of Part VII of the *Official Languages Act*:

- Develop a Part VII reflex.
- Promote the active participation of Canadians.
- Establish a continuous process for improving programs and policies related to Part VII.

These principles are still as relevant today as they were four years ago, and the government and its institutions need to apply them to ensure that English and French are effectively promoted in Canadian society.

1 Office of the Commissioner of Official Languages, *Annual Report 2006–2007* (Ottawa, 2007), pp. 21-34. Also available on-line at www.officiallanguages.gc.ca/html/ar_ra_2006_07_e.php (accessed March 31, 2011).

To apply these three principles properly, all of the components of the virtuous circle of implementing the Act[2] must be taken into consideration. This can be done only if federal employees know and understand their obligations under Part VII, are willing to implement them, and properly plan and assess their activities in this area.

There are shortfalls in the actions of the Government of Canada, of federal institutions that play a key role in the implementation of Part VII and of other federal institutions. Too often, the government misses timely opportunities to promote linguistic duality or help official language communities overcome their challenges. Applying the virtuous circle and the principles of implementing Part VII could help.

2.1 GOVERNMENT OF CANADA

Waiting for a clear signal

Five years after amendments were made to the *Official Languages Act*, the Government of Canada has still not affirmed, loudly and clearly, that full and proactive compliance with Part VII of the Act is a priority. We are still waiting for the government to send a clear signal to let Canadians know that full recognition of both English and French in Canadian society is still an essential value.

The government missed a golden opportunity to send that signal when it responded to the Standing Senate Committee on Official Languages' 2010 report.[3]

In its response,[4] the government only described the existing official languages administrative structure and talked about the exemplary role played by some institutions, such as Canadian Heritage or the Department of Justice, in this area. There was no clear willingness to do more or make improvements with regard to Part VII, nor was there any direct response to the recommendations.

The government ignored the issue of positive measures, even though it was discussed at length in the Standing Senate Committee on Official Languages' report,[5] and did not remind federal institutions that they must meet their responsibilities and take concrete actions to promote English and French. The government's response did not outline any solutions to help institutions that are not fully aware of Part VII issues to overcome the challenges they face on a day-to-day basis.

To further demonstrate its commitment to Part VII, the government needs to enhance the Treasury Board's responsibilities and strengthen Canadian Heritage's role.

2 See Figure 1 in the introduction.

3 Standing Senate Committee on Official Languages, *Implementation of Part VII of the* Official Languages Act: *We Can Still Do Better* (Ottawa, 2010). Also available on-line at www.parl.gc.ca/40/3/parlbus/commbus/senate/com-e/offi-e/rep-e/rep03jun10-e.pdf (accessed March 31, 2011).

4 Department of Canadian Heritage, *Government Response to the Third Report of the Standing Senate Committee on Official Languages*: Implementation of Part VII of the *Official Languages Act*: We Can Still Do Better, Ottawa, December 7, 2010, unpublished.

5 The Standing Senate Committee on Official Languages used the term "positive measure" 69 times in its 2010 report on Part VII.

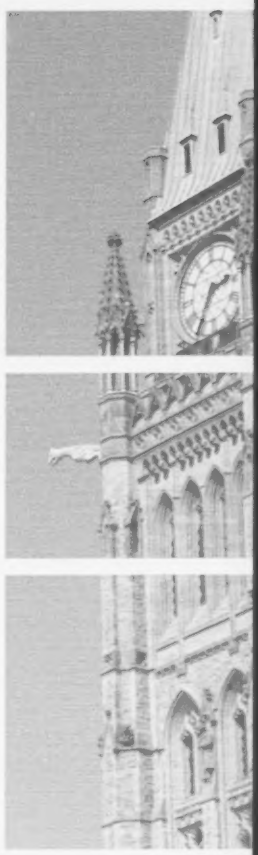
The *Official Languages Act* currently has a significant gap that needs to be filled. Part VIII of the Act gives the Treasury Board the important responsibility of developing policies relating to the implementation of Part IV (communications with and services to the public), Part V (language of work) and Part VI (participation of English-speaking and French-speaking Canadians) of the Act. It does not, however, give such responsibility for Part VII (advancement of English and French).

The amendments made to the Act in 2005 served to specify the obligations of federal institutions under Part VII. However, Part VIII of the Act was not amended to give the Treasury Board the authority to develop policies for the advancement of English and French.

The sections of the Act dealing with Canadian Heritage's role as coordinator were not changed either. This constitutes a significant gap. Although Canadian Heritage's coordinating role enabled it to develop a very useful guide for institutions in fulfilling their Part VII responsibilities, this tool may be viewed as not binding and does not provide the guidance of the policies and directives being developed by the Treasury Board of Canada Secretariat under Part VIII.

This gap is also a serious hindrance to the good governance of the Act and explains why no policy dealing specifically with the implementation of Part VII was included in the 2010–2011 review of the Treasury Board of Canada Secretariat's official languages policies.

Because federal institutions are all interpreting their obligations under Part VII in different ways, the Commissioner believes that the time has come for the government to amend Part VIII of the *Official Languages Act*. This would give the Treasury Board the legal authority to monitor the implementation of Part VII through policies or directives and, if needed, through regulations, in collaboration with Canadian Heritage, whose role is to coordinate. This would greatly help federal institutions in implementing the Act because a comprehensive approach would be used, rather than a fragmented one. Separating the implementation of Part VII from Part IV would help prevent inconsistencies.



RECOMMENDATION 1

Whereas:

- the Treasury Board and the Department of Canadian Heritage each have specific and complementary roles in the implementation of the *Official Languages Act*;
- the Treasury Board and the Department of Canadian Heritage do not currently have the power or authority to provide proper guidance to federal institutions in the implementation of Part VII of the *Official Languages Act*;
- the Treasury Board does not currently have the authority to develop policies to give effect to Part VII of the *Official Languages Act*;

Therefore, the Commissioner of Official Languages recommends that the Prime Minister of Canada amend Part VIII of the *Official Languages Act* in order to assign the following responsibilities to the Treasury Board: establish policies to give effect to Part VII; recommend regulations to the Governor in Council to give effect to Part VII; issue directives to give effect to Part VII; and provide information to the public and to federal institutions relating to the policies and programs that give effect to Part VII.

The facts speak for themselves

If the government acts quickly to implement recommendation 1, it will send a clear message that it considers the implementation of Part VII of the *Official Languages Act* to be a priority, contrary to what its recent actions suggest.

Sometimes the government makes certain decisions that adversely affect the vitality of official language communities and the substantive equality of Canada's two official languages. For example, the closing of the Royal Military College Saint-Jean in 1995 had a negative impact on the bilingualism of officer-cadets as well as on the linguistic duality of the country. For Richard Carrier, Associate Professor at the Royal Military College of Canada in Kingston, the Royal Military College Saint-Jean "[gave] young Francophones, as well as many Anglophones, the opportunity to become bilingual officers. . . . Saint-Jean will always have a huge advantage for Anglophones in that it offers a truly Francophone setting, a form of immersion that cadets directly admitted to Kingston do not experience."[6]

Decisions made over the past few years that resulted in the reopening of this institution seemed to indicate that the government had recognized its mistake. However, history has a way of repeating itself because, since the strengthening of Part VII of the *Official Languages Act* in 2005, the government has made other decisions without considering their impact on linguistic duality and on the development of official language communities.

In 2006, for example, the government eliminated the Court Challenges Program, a decision that, following legal proceedings by the Fédération des communautés francophones et acadienne du Canada, it reconsidered by creating the Linguistic Rights Support Program.

More recently, the government also decided to eliminate the mandatory long-form questionnaire of the 2011 Census without consulting official language communities or other concerned parties. This decision resulted in many complaints filed with the Office of the Commissioner of Official Languages. According to the complainants' allegations, by neglecting to consult official language communities before eliminating one of the tools used to provide an overview of their situation and measure their vitality, the Government of Canada failed to fulfill its obligations under the *Official Languages Act*, particularly with respect to Part VII.[7]

Given the powers assigned to him under the Act, the Commissioner of Official Languages had to limit the scope of his investigation to the federal institutions that were targeted in the complaints and that participated in the government's decision-making process. These federal institutions included Industry Canada, Canadian Heritage, the Treasury Board of Canada Secretariat and Statistics Canada. Having found that these federal institutions had not been involved in the decision-making process, the Commissioner concluded that they had not violated their obligations under the Act.

6 Richard Carrier, "Collège militaire royal de Saint-Jean: 10 years later," *Canadian Military Journal*, Winter 2006–2007, pp. 40 and 44. Also available on-line at www.journal.forces.gc.ca/vo7/no4/carrier-eng.asp (accessed March 31, 2011).

7 The complainants also referred to Part IV of the *Official Languages Act*.

However, the Commissioner also believes that the federal government is nonetheless responsible for the full implementation of Part VII of the Act, that it must ensure its decisions do not impede the development or vitality of official language communities and that it must assess the potential negative impact of its decisions. Furthermore, if a decision or activity has the potential to negatively affect the vitality and development of official language communities, measures must be taken to mitigate this impact.

In the case of the decision to eliminate the long-form questionnaire of the 2011 Census, the Commissioner shares the concerns of official language communities and researchers. Like them, he is concerned about the quality of data to be collected through the National Household Survey, since participation is voluntary. He also questions whether this approach will accurately reflect the progress of English- and French-speaking minority communities and is uncertain as to whether it will serve to adequately assess the impact of the measures taken to support their development and promote linguistic duality.

Proper application of the Commissioner's three principles of implementing Part VII—particularly the one about the government promoting the active participation of official language communities and other concerned citizens in issues that affect them—would have prompted the government to conduct a thorough assessment of the impact of its decision on the implementation of the Act. Adding two questions on official languages to the mandatory short-form census questionnaire,[8] as an afterthought, reinforces the idea that Canada's linguistic duality was the least of the government's concerns when it made its decision.

The government says that it understands the importance of having evidence in order to better focus its actions and that measures will be taken to ensure the reliability of the information collected. According to information made public by Statistics Canada, simulations are being conducted by that agency to measure the potential impact of switching to a voluntary questionnaire on certain communities across Canada. However, it seems that Statistics Canada's simulations may not have systematically taken language issues into account. The Commissioner will pay special attention to the way in which information will be collected to measure the progress of official language communities.

8 The two questions added are: "1) Can this person speak English or French well enough to conduct a conversation? 2a) What language does this person speak most often at home? 2b) Does this person speak any other languages on a regular basis at home?". See Industry Canada, *Statement by the Minister of Industry, Tony Clement, Regarding Changes to the 2011 Census of population*, News Release (Ottawa, August 11, 2010), www.ic.gc.ca/eic/site/ic1.nsf/eng/05762.html (accessed March 31, 2011).

The *Official Languages Act* cannot be fully implemented without reliable language data that is comparable to the data the Government of Canada collected through the long-form census questionnaire. Without evidence, neither the government nor the institutions or their partners will be able to adequately support the development of official language communities. Moreover, they will not be able to promote linguistic duality effectively and assess the impact of their actions under Part VII.

Part VII: More than just the Roadmap 2008–2013

The government often presents its *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future* as evidence of its unfailing support of the *Official Languages Act*, particularly Part VII.

This five-year program is unquestionably one of the Government of Canada's key official languages activities. Between now and 2013, the government will invest $1.1 billion to promote linguistic duality and support the vitality of official language communities in areas such as health, immigration and the arts.

Because the program is important as a strategic tool, the government must ensure that the problems surrounding the creation of the Roadmap 2008–2013—rushed development and last-minute adoption—are avoided at all costs, especially for the good of the communities it affects. Fortunately, Canadian Heritage and the other Roadmap 2008–2013 partners have already started working and thinking about the Roadmap's future.

The Roadmap 2008–2013 does not, however, fully address the needs of official language communities—far from it. To have a fundamental impact, the next version of the Roadmap will have to target many more than the 15 federal institutions included in the current version.

Assessment of the Roadmap 2008–2013

The *Roadmap for Linguistic Duality in Canada 2008–2013: Acting for the Future*, the federal government's official languages action plan, was adopted in 2008. According to information obtained by the Office of the Commissioner of Official Languages, Canadian Heritage plans to conduct a mid-term review of the Roadmap 2008–2013 in 2011–2012 and has already started to look to the future. The timing seems right. This will allow federal institutions and their partners to provide an update on the impact of the Roadmap 2008–2013, identify the strengths and weaknesses of government initiatives and develop an outline for the new five-year plan. For this exercise to produce the expected results, Canadian Heritage will need the resources necessary to carry out this work. Efforts will have to be made to ensure that the communities and other key partners have the means to fully participate.

2.2 KEY FEDERAL INSTITUTIONS INVOLVED IN IMPLEMENTING PART VII

The role of key federal institutions

Within the federal government, two institutions play a key role in the implementation of Part VII of the *Official Languages Act*: Canadian Heritage and the Treasury Board of Canada Secretariat. In addition to these two institutions, the Department of Justice is also involved in implementing Part VII as it provides advice to federal institutions on how to apply this part of the Act. This involvement included contributing to Canadian Heritage's guide for the implementation of Part VII. The Department of Justice also oversees files dealing with government obligations in this area.

Under section 42 of the Act, Canadian Heritage is responsible for encouraging and promoting a coordinated approach to the implementation of Part VII by federal institutions. To do this, it oversees a network of national section 41 coordinators who work in federal institutions and regularly provide additional advice to help federal institutions fulfill their obligations.

The Treasury Board of Canada Secretariat encourages federal institutions to take Part VII into account when planning and preparing Treasury Board submissions. It also supports the work of the regional federal councils, which are composed of senior federal officials, and the network of official languages champions in order to facilitate cooperation between federal institutions and official language communities.

Canadian Heritage and section 42

Generally speaking, federal institutions across the country appreciate the support offered by Canadian Heritage under section 42 of the *Official Languages Act*. Canadian Heritage facilitates interdepartmental coordination, which means that it organizes and facilitates discussions among multiple departments on the same issue. For example, the section 41 coordinators from all the departments met in October 2010 to discuss progress made on the vitality of French-speaking communities in Canada's three territories and to review the new study[9] conducted by the Canadian Institute for Research on Linguistic Minorities in partnership with Canadian Heritage and the Office of the Commissioner of Official Languages. Representatives of French-speaking communities from Yukon, Northwest Territories and Nunavut talked about the issues they are currently facing. Participants at the meeting—researchers, community members and public servants—then identified options for concrete initiatives that fall under Part VII.

9 Canadian Institute for Research on Linguistic Minorities, *Northern Francophone Communities: Vitality of Francophone Communities in the Territories – Summary* (Moncton, 2010). Also available on-line at www.officiallanguages.gc.ca/html/etudes_studies_e.php#OLMC (accessed March 31, 2011)

Areas for improvement

Federal institutions that play a central role in the implementation of Part VII of the Act have the duty to support federal institutions in promoting English and French. They must also remind them that they are all required to respect Part VII and to develop and apply positive measures.

Among other things, this means that Canadian Heritage needs to improve promotion and distribution of the various tools that it has developed to help institutions comply with Part VII of the Act. To create a true Part VII reflex, federal institutions' senior management and those responsible for all functions of the organization (for example, programs, communications, planning, and policy implementation) must use these tools.

To encourage federal institutions to integrate Part VII into their organizational culture, Canadian Heritage and the Treasury Board of Canada Secretariat must also work more closely with each other. As the Fédération des communautés francophones et acadienne du Canada pointed out, these two institutions "do not always work together and their approaches do not always complement one another."[10]

The importance of working together to promote English and French led the Standing Senate Committee on Official Languages to issue a recommendation in its 2010 report that Canadian Heritage's national coordinators' network responsible for the implementation of section 41 of the *Official Languages Act* and the Treasury Board of Canada Secretariat's Network of Official Languages Champions "ensure effective coordination between the headquarters and regional offices of federal institutions."[11]

Better cooperation among members of these two networks and federal employees in the regions would greatly foster the emergence of promising Part VII initiatives in the field. The regional federal councils, which report to the Treasury Board of Canada Secretariat, and some of which have an official languages committee, can also encourage coordination between headquarters and the regions, which is conducive to the implementation of positive measures.

However, the key organizations in the implementation of Part VII would be able to provide better support to federal institutions if the government ensured that they had the human and financial resources they needed. It is difficult for them to provide a continuous presence in the regions when they do not have the means to do so. For example, according to the Fédération acadienne de la Nouvelle-Écosse, "Canadian Heritage does not have the funds in Nova Scotia to fulfill the role described in section 42 of the *Official Languages Act*. The Department does not have the funds, personnel or resources to do it properly at this point."[12]

10 Fédération des communautés francophones et acadienne du Canada, *The Implementation of the* Official Languages Act. *A New Approach – A New Vision* (Ottawa, 2009), p. 16. Also available on-line at www.fcfa.ca/documents/doc_LLO_ENG.pdf (accessed March 31, 2011).

11 Standing Senate Committee on Official Languages, *We Can Still Do Better*, p. 50.

12 Standing Senate Committee on Official Languages, *Proceedings of the Standing Senate Committee on Official Languages*, Issue 17 (Ottawa, June 11, 2007), p. 7. Also available on-line at www.parl.gc.ca/39/1/parlbus/commbus/senate/com-e/offi-e/17ev-e.htm?Language=E&Parl=39&ses=1&comm_id=595 (accessed March 31, 2011).

More intergovernmental cooperation is needed

For Linda Leith, President of the Quebec Community Groups Network, a key issue is "the need for increased levels of cooperation between the federal government and provincial government regarding the 'full implementation' of Part VII of the *Official Languages Act*; the need for equality of status and use of French and English in federal government offices in Quebec; as well as the need to link service delivery to community development."[13]

2.3 ALL FEDERAL INSTITUTIONS

Part VII applies to all federal institutions

We must not forget that the responsibility of implementing Part VII of the *Official Languages Act* lies first and foremost with federal institutions. Some institutions, however, mistakenly believe that this part of the Act does not apply to them. Others do not understand what a positive measure actually is. Still others have yet to show that they are capable of implementing effective practices to promote English and French.

A good number of federal institutions are currently behaving as though they have only limited Part VII obligations, or none at all.

Some believe that only the 31 institutions designated under the Accountability Framework for the Implementation of Sections 41 and 42 of the *Official Languages Act* have the legal obligation to foster the development of official language communities and promote linguistic duality. Others believe that, while Part VII imposes obligations on them, it does not apply to all areas of their activities.

In this context, it is important to repeat that all federal institutions, without exception, have the duty to promote English and French in Canada.

A good process is not a positive measure in itself

In addition to institutions that do not think they are subject to Part VII of the Act, there are also institutions that think they have fulfilled their obligations to promote English and French when, in fact, they have not.

Some institutions believe they are taking positive measures by complying with Part IV of the Act, which deals with communications with and services to the public. This is not the case, even though official language communities and bilingual citizens obviously benefit when services of equal quality in English and French are offered in their region.

13 Standing Senate Committee on Official Languages, *Proceedings of the Standing Senate Committee on Official Languages*, Issue 7 (Ottawa, September 13, 2010), p. 10. Also available on-line at www.parl.gc.ca/40/3/parlbus/commbus/senate/com-e/offi-e/07eva-e.htm?Language=E&Parl=40&Ses=3&comm_id=595 (accessed March 31, 2011).

Other institutions fail to meet their obligations because they are confusing process and results. For example, federal institutions must implement processes to raise awareness among their employees of the importance of applying Part VII. They must also gather documentation and consult official language communities to be able to better understand their needs and interests, and to better understand the organizations responsible for promoting linguistic duality. However, these actions alone must not be considered to be positive measures. Rather, they are important and necessary practices that should enable institutions to define and implement positive measures.

The importance of applying the principles of Part VII

Showing a spirited determination in applying Part VII is sometimes the ingredient that is most lacking in institutions. Consultations conducted by the Office of the Commissioner of Official Languages in 2010–2011 found that in British Columbia, Alberta and the territories, French-speaking communities often find it difficult to see a real willingness among federal institutions to meet the requirements of Part VII. In the Atlantic region, there were several reports of an almost general indifference shown by federal institutions toward the vitality of French-speaking communities.

Leaders of Quebec's English-speaking communities feel that the Government of Canada is not doing enough to support the development of their communities. In their eyes, there is resistance to the idea that English-speaking communities in Quebec also need support from federal institutions, which results in these institutions not taking any action.

Other institutions seem to be willing enough, but fail to meet their obligation because they do not see it through. Some conclude too quickly that they cannot do anything useful to promote English and French. They give up before they have thoroughly explored all the options available to them to support communities or promote the benefits of linguistic duality. They need to ensure that they conduct a complete analysis before determining that there is nothing they can do.

It is important for federal institutions to conduct effective formal and informal consultations. All too often, official language communities are still consulted half-heartedly or sporadically, rather than conscientiously and systematically, because institutions are more concerned with checking off the box next to "Part VII consultation."

The need to be proactive

In her appearance before the Standing Senate Committee on Official Languages, Linda Leith, President of the Quebec Community Groups Network, rightfully pointed out "the need for a proactive consultation process that will allow federal institutions to consider our communities' needs and interests in their decision making."[14]

To adapt government policies and programs to meet the needs of English- and French-speaking minority communities, senior management and employees of federal institutions must engage in an ongoing dialogue with official language communities, keep the lines of communication open, and make good use of the valuable information these communities provide. An important caveat to keep in mind, however, is the fact that just because an institution conducts consultations does not mean that everything that results from those consultations will necessarily be a positive measure under Part VII of the *Official Languages Act*. For example, an action that leads to taking English and French into consideration in the delivery of services to the public will remain an action under Part IV, even if it resulted from a consultation under Part VII.

Federal institutions also need to cooperate with each other better. They do not always collaborate as much as they should in applying Part VII, and the responsibility certainly does not fall solely on Canadian Heritage and the Treasury Board of Canada Secretariat.

The various branches of a federal institution sometimes fail to take advantage of opportunities to work with each other. For example, the communications branch and the policy branch sometimes neglect to share the information they have on the needs of official language communities. Similarly, head offices do not always solicit enough input from regional offices when designing, reviewing and evaluating policies and programs. This is even more unfortunate because federal employees who work in the regions often have good relationships with the official language communities and are more familiar with their particular situations.

14 Standing Senate Committee on Official Languages, *Proceedings*, Issue 7, p. 10.

RECOMMENDATION 2

Whereas it is the position of the Office of the Commissioner of Official Languages that:

- the Government of Canada must clearly communicate its commitment to Part VII of the *Official Languages Act*, must send a loud and clear message that implementing Part VII of the *Official Languages Act* is important and a priority for federal institutions, and must make federal institutions more accountable for their actions;
- the Government of Canada must adopt and communicate a vision of Part VII of the *Official Languages Act*, and must define the results it expects from all federal institutions;
- the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future* must not be the only proof of the Government of Canada's commitment to Part VII of the *Official Languages Act*, because this five-year plan targets only 15 institutions, whereas all federal institutions must take initiatives to enhance the vitality of official language minority communities and promote linguistic duality;

Therefore, the Commissioner of Official Languages recommends that the Prime Minister of Canada and the Minister of Canadian Heritage and Official Languages clearly communicate their commitment to Part VII of the *Official Languages Act*, and confirm that it is important and a priority for all federal institutions to take positive measures to promote English and French and support the development of official language communities;

The Commissioner of Official Languages recommends that the Clerk of the Privy Council take measures to make senior management of federal institutions more accountable for the way in which their organizations implement Part VII of the *Official Languages Act*, and ensure that they report the results obtained in this area to the Canadian public;

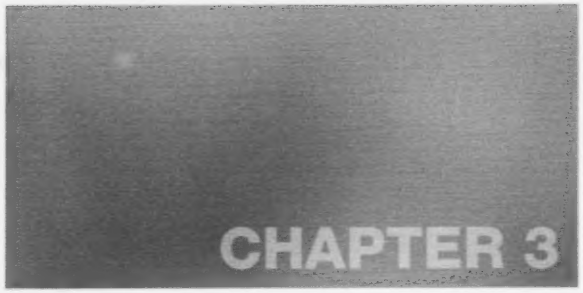
The Commissioner of Official Languages recommends that senior management of federal institutions implement the *Official Languages Act* in its entirety, by including Part VII in their institutions' decision-making processes.

2.4 RESPECTING PART VII IS A SHARED RESPONSIBILITY

In summary, to ensure respect for Part VII of the *Official Languages Act*, the Government of Canada must demonstrate a much stronger willingness to promote English and French in Canadian society. It must also provide the federal institutions that play a key role in the implementation of Part VII with the tools they need so that they can better fulfill their duties.

Ultimately, however, the responsibility for promoting English and French as well as supporting the development of official language communities rests with federal institutions. They have the duty, first and foremost, to meet their obligations and take the positive measures expected by official language communities and all Canadians.

Achieving this will be difficult at times, but some institutions have begun to show the way by taking exemplary initiatives. It is time to follow their example.



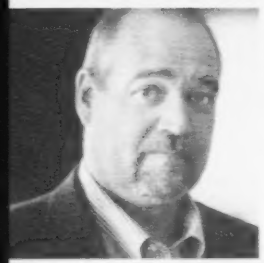
HONOURABLE MENTIONS

In recent years, several federal institutions have found effective ways to strengthen the vitality of official language communities, foster improved recognition of the importance of linguistic duality and encourage increased use of English and French in Canadian society.

Some of these initiatives improved the institutions' ability to adopt positive measures, while others led to positive measures whose effects could—or already have—become vital to the communities' development or to the status of English and French.

The following eight examples[1] of processes and positive measures clearly show that compliance with Part VII is first and foremost a question of leadership and of applying the principles of implementing Part VII of the *Official Languages Act*.

1 The ability of the federal institutions mentioned in this chapter to comply with Part VII of the *Official Languages Act* cannot be evaluated using these examples. An evaluation of selected federal institutions has been conducted by the Office of the Commissioner of Official Languages through its annual report card exercise, the results of which are reported in chapter 5 of this report.



Michel Doiron
New Brunswick

3.1 TRANSPORT CANADA: THE IMPORTANCE OF PLANNING

Example of: Sound planning
Systematic consideration of Part VII
Principle: Part VII reflex

"Ensuring that Part VII was taken into account was not easy for Transport Canada," admitted Michel Doiron, the Department's official languages champion. "We had difficulty defining positive measures because, based on the Department's mandate, the communities are not a specifically targeted clientele. There were a lot of consultations to better understand our obligations, and we now have a three-year action plan that balances our legal, strategic and operational obligations. A plan that we will present to all Transport Canada management teams, so that everyone understands how the Department plans to meet its obligations. [translation]"

Some institutions, by virtue of their mandate, have natural connections with official language communities. Others need to consider these issues more carefully and ensure sound planning.

This is why Transport Canada's efforts with respect to Part VII deserve mention. Transport Canada started by forming a Part VII advisory committee composed of some 15 directors and directors general from all of the institution's branches and regional offices. Transport Canada's official languages champion chairs the committee. The inclusion of regional representatives shows that consideration has been given to the need to be as close to the communities as possible, and that this will have an impact on the decisions related to Part VII activities.

This committee's efforts enabled Transport Canada to adopt a three-year plan for the implementation of Part VII, a plan that was finally adopted in October 2010 after months of delay. In volume II of his 2009–2010 annual report, the Commissioner of Official Languages expressed his disappointment in the fact that this plan had still not been adopted and implemented; this delay was largely responsible for the low rating (D) Transport Canada received on its 2009–2010 report card for support of official language community development and promotion of linguistic duality.

The plan was developed following a series of consultations held with official language communities in order to better define their particular needs. The plan also results from a comprehensive review of Transport Canada's programs and from the definition of potential strategic initiatives to help the Department meet its obligations.

It is still too early to determine whether Transport Canada's plan will actually lead to positive measures. However, the Department should be commended for recognizing that Part VII is a normal process for a responsible public service providing services to all Canadians.

In other words, to meet Part VII obligations, federal institutions must always begin by clearly indicating in their planning that they are willing to promote English and French. Reaching this goal also depends on the participation of the institutions' regional offices.

3.2 THE JUSTICE AND SECURITY NETWORK: WORKING TOGETHER TO ADDRESS PART VII

Example of: **Interdepartmental coordination**
Leadership in sharing best practices
Principle: **Continuous improvement process**

In 2007, Canadian Heritage invited selected federal institutions to establish the Network of Stakeholders Working in the Field of Justice and Security (the Justice and Security Network). These institutions included National Defence, the Royal Canadian Mounted Police, the Department of Justice, Canadian Heritage, Public Safety Canada, the Public Prosecution Service of Canada, Citizenship and Immigration Canada and Health Canada.

Led by the Department of Justice, the Justice and Security Network hosted the Forum on Vulnerable Young Francophones in Minority Communities, which brought together about 30 organizations working with youth. The Forum helped participants to establish relationships for future collaboration. "Many of the organizations on the ground didn't think that we were familiar with their work or that we even knew they existed, [translation]" said Andrée Duchesne, Senior Counsel and Manager, Francophonie, Justice in Official Languages and Legal Dualism at the Department of Justice.

In 2010–2011, the members of the Justice and Security Network decided to take part in funding scientific research that would help better identify risk factors for vulnerable youth from official language communities, who cannot always obtain legal and social services in their language.

"Because of interprovincial migration and a growing number of English-speaking immigrants in Quebec and French-speaking immigrants in provinces with an Anglophone majority, these types of problems could increase," noted Ms. Duchesne. "To provide solutions adapted to the needs of official language communities with respect to crime prevention, for example, it is important to formally document the phenomenon and identify the important issues immediately."

"The strength of the Justice and Security Network," stressed Ms. Duchesne, "is the infectious enthusiasm of the people around the table. Some understand Part VII of the Act better than others, but everyone demonstrates a strong willingness to apply it. The issues we are examining were not on anyone's radar when the Network started its work, [translation]" Ms. Duchesne concluded.

The Justice and Security Network's activities are proof that, when it comes to promoting English and French, institutions must not give up too quickly. Instead, they should continue to explore and be innovative and anticipate potential challenges.

3.3 CITIZENSHIP AND IMMIGRATION CANADA: ENGAGING OFFICIAL LANGUAGE COMMUNITIES

Example of: **Community involvement**
Principle: **Active participation**

Immigration is a priority for French-speaking minority communities; they believe that it will enhance their vitality, particularly from an economic standpoint.[2] For about a decade, the Fédération des communautés francophones et acadienne du Canada and the Citizenship and Immigration Canada – Francophone Minority Communities Steering Committee have been working hard to encourage immigration within French-speaking communities.

Since 2003, employees of Citizenship and Immigration Canada working in the Canadian Embassy in Paris have organized an annual promotion and recruitment event called Destination Canada – Job Fair. This event serves to promote Canada as a preferred destination for Francophones from several countries in Europe, Africa and the Middle East and to provide information about Canada's French-speaking communities. Provinces and territories as well as community associations are closely involved in organizing the event. In November 2010, Destination Canada job fairs were held in Paris and Brussels. These events brought together representatives from 9 provinces, 2 territories and 68 employers with more than 2,600 potential immigrants selected from among more than 14,000 candidates. A smaller Destination Canada job fair was also held in Tunis and organized by the Embassy of Canada to Tunisia.

According to the Fédération des communautés francophones et acadienne du Canada, immigration officials from seven Canadian embassies organized promotion and recruitment events and activities in their respective regions in 2010. The Fédération also reported that, for the first time, it had held formal meetings with embassy officials to discuss initiatives to better promote Francophone immigration outside of Quebec.

"If Destination Canada is a success story for communities, it is largely thanks to continuous support from the provinces and territories, and especially the excellent cooperation from the Canadian Embassy in Paris for holding this annual event, [translation]"[3] said Sylviane Lanthier, Vice-President of the Fédération des communautés francophones et acadienne du Canada.

The House of Commons Standing Committee on Official Languages also highlighted the value of Destination Canada in its report entitled *Recruitment, Intake and Integration: What Does the Future Hold for Immigration to Official Language Minority Communities?* This report is based on the testimony of many immigration partners. Given its success, this initiative should be expanded to other French-speaking countries. It is clear that targeted recruitment efforts are required to stimulate demographic growth in a minority environment.

2 See Citizenship and Immigration Canada – Francophone Minority Communities Steering Committee, *Strategic Plan to Foster Immigration to Francophone Minority Communities* (Ottawa, 2006), p. 8. Also available on-line at www.cic.gc.ca/english/resources/publications/settlement/plan-minorities.asp (accessed March 31, 2011).

3 Fédération des communautés francophones et acadienne du Canada, *Tournée Destination Canada 2010 : la FCFA et les communautés se démarquent auprès de plus de 3 000 immigrants potentiels*, Press release issued November 23, 2010, www.fcfa.ca/index.cfm?id=2411&Repertoire_No=-786718320&Voir=comm (accessed March 31, 2011) [French only].

3.4 THE MULTIPARTITE COOPERATION AGREEMENT ON CULTURE: A USEFUL TOOL FOR EVERYONE

Example of: **Community involvement**
Interdepartmental cooperation
Principle: **Active participation**

Signed in 1998, the Multipartite Cooperation Agreement on the Artistic and Cultural Development of Canada's Francophone and Acadian Communities brought together Canadian Heritage, the National Arts Centre, the National Film Board, CBC/Radio-Canada, the Canada Council for the Arts and the Fédération culturelle canadienne-française. The agreement establishes a framework for cooperation among the parties and helps formalize the commitments made in certain key areas of artistic and cultural development in Canada's French-speaking community.

According to a 2008 study by the Office of the Commissioner of Official Languages,[4] this agreement has provided the framework for a collaborative, horizontal approach, which has fostered open dialogue among the parties and has encouraged all partners to abide by their commitment to the French-speaking communities.

The 1998 agreement was extended in 2009. The new Agreement for the Development of Francophone Arts and Culture in Canada, in which Telefilm Canada also participated, helps federal cultural agencies work together and develop artistic and cultural projects that are meaningful to French-speaking Canadians.

Meanwhile, in Quebec, representatives from the English-Language Arts Network and from federal institutions that are active in the cultural sector, such as Canadian Heritage, agreed in November 2010 to prepare a document that outlines federal support of English-language arts in Quebec. This document, which is expected to be released near the end of 2011–2012, will respond to the recommendation that the Commissioner of Official Languages made in the 2008 study: "That Canadian Heritage examine various measures to ensure issues related to the arts and culture of Quebec's Anglophone community are considered national issues and addressed as such."[5]

According to Guy Rodgers, Executive Director of the English-Language Arts Network, this agreement fills a void. "It is essential for us to get support from the Canadian government. To flourish, we need to get all our federal partners together and see how we can collaborate on priorities that have been established by our community."

Guy Rodgers
Quebec

4 Office of the Commissioner of Official Languages, *Federal Government Support for the Arts and Culture in Official Language Minority Communities* (Ottawa, 2008), p. 19. Also available on-line at www.officiallanguages.gc.ca/html/stu_etu_032008_e.php (accessed March 31, 2011).

5 Office of the Commissioner of Official Languages, *Federal Government Support*, p. 53.

Michèle Thibeau
Quebec

3.5 THE ECONOMIC DEVELOPMENT AGENCY OF CANADA FOR THE REGIONS OF QUEBEC AND THE QUÉBEC MULTILINGUAL COMMITTEE: WHEN BUSINESSES GET INVOLVED

Example of: **Promotion of linguistic duality**
Targeted action
Principles: **Part VII reflex**
Active participation

The purpose of the Québec Multilingual Committee of the Chambre de commerce de Québec, created in early 2000, is to make bilingualism and multilingualism a priority for the Québec City / Chaudière-Appalaches region. Through its actions, the Québec Multilingual Committee is also looking to increase the number of individuals in this region who can effectively use English and, ideally, another language, such as Spanish, at work.

In 2009, the Economic Development Agency of Canada for the Regions of Quebec agreed to fund certain components of the Québec Multilingual Committee's strategic plan. With this funding, the Committee and its partner, the Québec Chaudière-Appalaches Office of the Community Economic Development and Employability Corporation, completed two major projects.

The Entrepreneurship Road Show initiative showed young English-speaking Quebecers that entrepreneurship is a promising career path and that the Québec City / Chaudière-Appalaches region is a good place to start a business.

The Community Economic Development and Employability Corporation and the Québec Multilingual Committee also produced a guide[6] to optimal language practices that organizations in the Québec City / Chaudière-Appalaches region should adopt. The guide shows managers how to recruit a bilingual or multilingual workforce, ensure that their English- or French-as-a-second-language training efforts are successful and maximize the potential of translators and interpreters.

"English-speaking Quebecers have plenty to offer companies in terms of language skills and expertise," said Michèle Thibeau, Director of the Québec Chaudière-Appalaches Office of the Community Economic Development and Employability Corporation. "We're hoping that this best practices guide will encourage businesses to reflect upon how their real language needs currently impact and will impact their hiring and personnel training practices. What's exciting is that both English and French speakers can benefit from second-language training to better equip them for responding to the question of language on the job."

6 Québec Multilingual Committee, *The Linguistic Audit: A Strategic Tool – A Guide to Optimal Language Practices for Managers of Companies in the Québec and Chaudière-Appalaches Regions* (Québec City, 2010). Also available on-line at www.quebecmultilingue.ca/files/Guide_HR_en.pdf (accessed March 31, 2011).

3.6 WESTERN ECONOMIC DIVERSIFICATION CANADA AND THE BILINGUAL MUNICIPALITIES OF MANITOBA

Example of: ■ **Targeted action**
■ **Intergovernmental cooperation**
Principles: ■ **Continuous improvement process**
■ **Part VII reflex**

Founded in 1996, the Economic Development Council for Manitoba Bilingual Municipalities is dedicated to helping 17 municipalities—home to some 100,000 French-speaking and bilingual workers—develop opportunity areas such as technology and tourism.

In 2005, the Council launched the "C'est si bon ! Ensemble • Together" campaign to promote the bilingualism of its member municipalities. Under the Canada-Manitoba Economic Partnership Agreement, Western Economic Diversification Canada and Entrepreneurship, Training and Trade Manitoba supported the development of this campaign.

The Council also secured significant federal and provincial funding in 2010 to support the economic diversification of bilingual municipalities, the development of environmental projects, the design of a plan to promote Francophone tourist attractions and products and the provision of counselling services for new Canadians.

Today, thanks in part to the actions of the Economic Development Council for Manitoba Bilingual Municipalities, linguistic duality has a renewed visibility and prestige in Manitoba. Now more than ever, individuals and organizations with a proficiency in French are considered to have a competitive advantage in this part of the country.

In November 2010, Manitoba Premier Greg Selinger said ". . . Francophone history and culture adds to the province's diversity and attracts travellers from around the world to Manitoba's doorstep. Investing, developing and marketing our cultural diversity builds on the Manitoba advantage that comes with boasting one of Canada's largest Francophone communities outside of Quebec."[7]

3.7 HEALTH CANADA: COMMUNITIES NEED TARGETED PROGRAMS

Example of: ■ **Community involvement**
■ **Targeted action**
Principles: ■ **Active participation**
■ **Part VII reflex**

Members of French-speaking communities outside of Quebec often have difficulty obtaining health care services in their language. The situation is improving, however, thanks to the admissions program of the Consortium national de formation en santé, funded in part by Health Canada.

The program helped 400 young Francophones and francophiles to pursue their studies in French in some 15 disciplines within the health and medical sector.

"Were it not for [the program], the only Canadians able to study medicine in French would be those living in provinces that offer a French-language medical school, i.e. Quebec and Ontario,"[8]

7 Government of Manitoba, *Local Economy and Francophone Tourism Benefit from Government Investment*, Press release issued November 12, 2010, http://news.gov.mb.ca/news/index.html?archive=2010-11-01&item=10160 (accessed March 31, 2011).

8 Consortium national de formation en santé, *French-language graduate studies in the health field. Available through CNFS and the University of Ottawa*, Press release issued January 13, 2011, http://smr.newswire.ca/en/consortium-national-de-formation-en-sante-university/french-language-graduate-studies-in-health-field (accessed March 31, 2011).

Coralie C. Boudreau
Newfoundland

said Coralie C. Boudreau, an Acadian who graduated from the University of Ottawa's medical school.

The Consortium national de formation en santé program is one of Health Canada's official language community support programs. This has not always been the case, however. Before 1999, Health Canada did not consider supporting the development of official language communities to be part of its mandate. Senior management maintained that the Department's mandate was essentially scientific, meaning that it was responsible for licensing drugs sold in Canada and for studying the risks associated with the use of certain substances.

This perception began to change after the Government of Ontario attempted to close Ottawa's Montfort Hospital.[9] Although the federal government is not directly involved in providing health care services to Canadians (this responsibility remains with the provinces and territories), it can certainly try to improve the delivery of quality service in the language of English- and French-speaking minority communities in Canada.

This change of attitude resulted in Health Canada gradually laying the groundwork for its activities related to Part VII.

First, the Department supported the creation of two new community organizations: the Société Santé en français and the Community Health and Social Services Network.

Health Canada then made an effort to establish close ties with official language communities and the organizations representing them. The Department also developed a close working relationship with its provincial and territorial counterparts, other federal institutions such as Canadian Heritage, and post-secondary educational institutions responsible for training future health care professionals in Canada.

Health Canada's senior management further institutionalized the Part VII reflex by insisting that issues regarding the promotion of English and French be systematically taken into consideration when developing or revising programs.

Moreover, by working with the communities, sector experts and evaluation specialists, over the years, Health Canada has managed to identify indicators to demonstrate that their programs have had a positive impact on the health care situation of official language communities.

"Positioning Part VII as an essential activity in implementing Health Canada's priorities required significant effort," said Roger Farley, Executive Director of Health Canada's Official Language Community Development Bureau. "But thanks to its leadership, the Department is now better positioned than ever to meet its obligations under both the *Official Languages Act* and the *Canada Health Act*. [translation]"

9 In 2002, the attempt to close the Montfort Hospital in Ottawa, and then to reduce the services it offered, failed thanks to the efforts of Franco-Ontarians who involved the courts, in what turned out to be a happy ending for French-speaking communities.

3.8 THE NEW BRUNSWICK FEDERAL COUNCIL: LET'S TALK ABOUT PART VII

Example of:
- **Interdepartmental coordination**
- **Community involvement**
- **Participation of federal councils in the implementation of Part VII**

Principles:
- **Active participation**
- **Part VII reflex**

The New Brunswick Federal Council held its sixth annual Official Languages Week from January 24 to 28, 2011. This event, which is organized for all federal government employees working in New Brunswick, involves a wide range of activities related to official languages.

This year, to highlight the fifth anniversary of the amendment to Part VII of the *Official Languages Act*, the Federal Council decided to invite community leaders and federal employees to a day-long event dedicated to discussing issues related to the implementation of Part VII. The Day of Dialogue with the Community brought together representatives from 30 federal institutions and 29 community organizations, it helped raise awareness among federal employees of the importance of Part VII and, most importantly, it helped establish a dialogue with the official language community. Community representatives were able to explain both the difficulties that the French-speaking community is currently facing and the priorities that will be taken into consideration, including some that are outlined in the global development plan of Acadian New Brunswick.[10]

During the event, the French-speaking community wanted to show federal employees that it does not consider itself to be a minority because, under the *Canadian Charter of Rights and Freedoms* and the *Official Languages of New Brunswick Act*, it has equal status with the province's English-speaking community.

The day's productive dialogue between representatives of the official language community and federal institutions certainly helped bring them closer. This event should prompt federal institutions to improve the way in which they take the priorities of French-speaking communities into account in the future. All of the discussions that took place on the Day of Dialogue with the Community will be presented to the members of the New Brunswick Federal Council so that they can determine the next steps. This type of initiative is entirely within the scope of other federal councils that have, to varying degrees, productive relationships with official language communities. These dialogue events provide a chance to get to know one another, a forum to keep abreast of the latest issues and an opportunity to review and renew actions.

10 Société de l'Acadie du Nouveau-Brunswick, *Plan de développement global de l'Acadie du Nouveau-Brunswick (2009–2014)* (Petit-Rocher, 2009), www.sanb.ca/FileSystem/ld/215 (accessed March 31, 2011) [French only].

3.9 WE ALL HAVE TO PLAY OUR PART

To support the development of official language communities, strengthen the visibility of linguistic duality and promote learning the other official language, federal institutions need to have a detailed analysis of intervention opportunities available to them; they need to get closer to English- and French-speaking minority communities to better understand their needs; and they need to establish close relationships with other concerned parties, particularly other federal institutions.

All federal institutions can promote English and French as stipulated in the *Official Languages Act*. This is equally within the reach of institutions whose mandate seems to naturally lend itself to Part VII-related activities as it is for institutions whose opportunities for initiatives are less obvious.

For example, Health Canada and Transport Canada used to think that Part VII did not concern them as much as other institutions and that they did not have much of an opportunity to promote English and French in Canadian society. However, over the years, these departments moved from an institutional view dominated by the idea that "Part VII does not apply to us" to a more proactive one that asks: "How can we play our part?"

Clearly, federal institutions have some thinking to do. According to the principles of implementing Part VII of the *Official Languages Act*, they should engage in constructive dialogue with official language communities and citizens in order to continually improve their action. "How can we play our part?" is what all federal institutions, without exception, should now be asking.

CHAPTER 4

COMPLIANCE

This chapter describes the issues identified through the complaints received by the Office of the Commissioner of Official Languages and through the investigations and audits conducted in 2010–2011. It also describes the situation regarding services provided by federal institutions in both official languages to the travelling public.

4.1 COMPLAINTS

As an ombudsman, the Commissioner of Official Languages is responsible for ensuring that federal institutions respect the language rights of the general public and of their employees.

The Commissioner frequently uses a proactive approach to help federal institutions realize the vision of a Canada where linguistic duality is a core value. He also intervenes when members of the general public or employees of the federal public service draw his attention to a particular situation.

In most cases, when the Office of the Commissioner receives a complaint, it conducts an investigation—based on a facilitated complaint resolution process—to help the federal institution

resolve the situation. This approach is used with the consent of both the complainant and the institution. If this does not work or if the situation does not lend itself to this approach, a formal investigation is conducted and a decision is made on whether the complaint is founded. If the complaint is determined to be founded, the Commissioner can issue recommendations to help the federal institution resolve the situation. If an institution refuses to meet its obligations or implement the Commissioner's recommendations, the complainant or the Commissioner may in some circumstances seek legal recourse before the Federal Court to obtain a remedy that is considered appropriate and just in the circumstances.

Overview of complaints received

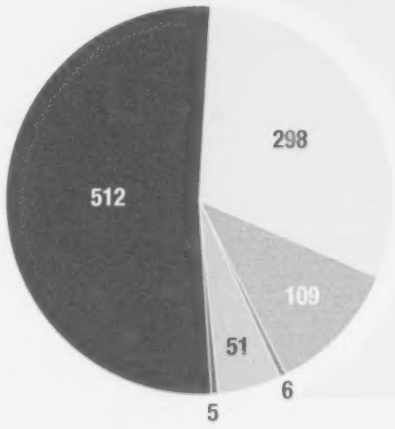
Each year, hundreds of Canadians inform the Office of the Commissioner of the difficulties some federal institutions have complying with the *Official Languages Act*.

In 2010–2011, the Office of the Commissioner received 1,116 complaints, compared with 1,729 in 2009–2010. There are times when a particular problem results in many people joining forces and many complaints being submitted. In 2009–2010, close to 900 complaints were received about a CBC/Radio-Canada decision that affected the French-speaking community of Windsor, Ontario. And this year, over 400 complaints were filed against Air Canada regarding language-of-work issues.

The Office of the Commissioner determined that, of the 1,116 complaints it received, the vast majority (981) were admissible, and could therefore be subject to an investigation. Over 90% of the admissible complaints were from Francophones. The number of admissible complaints filed by Anglophones was relatively low, but nonetheless it increased from 46 in 2009–2010 to 63 in 2010–2011.

This year, complaints pertaining to language of work comprised just over half (52%) of the complaints that the Office of the Commissioner determined to be admissible.

FIGURE 2
ADMISSIBLE COMPLAINTS IN 2010–2011 BY PART OF THE *OFFICIAL LANGUAGES ACT*



512 Language of work (Part V)

298 Communications with and services to the public (Part IV)

109 Advancement of English and French (Part VII)

6 Equitable participation (Part VI)

51 Language requirements of positions (Part XI, section 91)

5 Other

When an official language community rallies together: the SOS CBEF example

Nicole Larocque is the Chair of SOS CBEF, a group that was created following CBC/Radio-Canada's decision in 2009 to impose cuts on the only Francophone radio station in southwestern Ontario. According to Larocque, "CBEF plays an essential cultural and social role in Windsor's Francophone community. The elimination of these programs was a considerable shock when you consider that our community is particularly vulnerable, and that CBEF had already undergone major budget cuts in the past. [translation]"

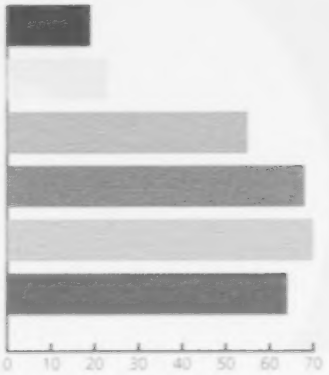
SOS CBEF is a co-applicant in the Federal Court proceedings the Commissioner of Official Languages initiated in 2010 to have his jurisdiction to investigate this type of complaint recognized and to encourage CBC/Radio-Canada to review its decision regarding CBEF. For its part, SOS CBEF is demanding that all programs eliminated in 2009 be reinstated.

Nicole Larocque
Ontario

Admissible complaints by part of the *Official Languages Act*

Figure 3 shows the distribution of complaints regarding communications with and services to the public (Part IV of the Act) and highlights the prevalence of complaints related to communications with the public in writing or in person.

FIGURE 3
ADMISSIBLE COMPLAINTS IN 2010–2011 RELATING TO PART IV OF THE *OFFICIAL LANGUAGES ACT*



19 Communications with the public by telephone
23 Communications in the media
54 Ground services for the travelling public
68 Communications with the public in person
70 Communications with the public in writing
64 Other reasons for complaints

In 2010–2011, allegations raised about contraventions of Part IV of the Act were mainly from Quebec, the National Capital Region, the Atlantic provinces and Ontario. Most of those who filed complaints under this category were Francophones. The Office of the Commissioner received 16 complaints from French-speaking Canadians in the Atlantic region after Service Canada decided to change the way in which it provides services to the public in that region. The Office of the Commissioner will be examining these complaints in the upcoming year.

Part V of the Act states that "English and French are the languages of work in all federal institutions." In 2010–2011, the Office of the Commissioner determined 512 complaints relating to Part V to be admissible.

This year, the Office of the Commissioner received 109 complaints related to how the Government of Canada and federal institutions fulfilled their obligations regarding the advancement of English and French and the development of official language communities (Part VII of the *Official Languages Act*). Canadian Heritage, Industry Canada, Statistics Canada and the Treasury Board of Canada Secretariat were each targeted by 21 complaints, for a total of 84 complaints, as a result of the Government of Canada's decision to eliminate the long-form questionnaire of the 2011 Census.

In 2010–2011, the Office of the Commissioner received 51 complaints regarding the language requirements of federal public service positions (Part XI, section 91 of the *Official Languages Act*).

4.2 INVESTIGATIONS

This section deals with complaints whose investigations were completed during the 2010–2011 fiscal year.

Some of the recurring situations faced by federal institutions are highlighted in the following paragraphs. Also described is how these institutions have succeeded in overcoming their challenges or how they should address them.

Meeting demand starts with anticipating demand

Federal institutions must be able to measure and anticipate demand in order to offer service of equal quality in English and French. The Office of the Commissioner conducted two investigations following complaints received against the Immigration and Refugee Board of Canada. These investigations clearly demonstrate the importance of good planning.

One investigation dealt with complaints that some refugee status applicants could not obtain a hearing in French within the same timeframe as they could obtain a hearing in English. At the time of the investigation, in fact, there were not enough bilingual members of the Immigration and Refugee Board at its Toronto office. Furthermore, this office could not determine the bilingual capacity required to provide services of equal quality to its French-speaking clients in the Toronto area.

Fortunately, the Immigration and Refugee Board has started to implement a new case management system that will enable it to record official language data on claims for refugee protection.

With these statistics, it will be able to better assess its specific bilingual human resources needs and ensure that more bilingual people are assigned to these positions.

In the context of the second investigation, this one on the administration of justice (Part III of the *Official Languages Act*), the Commissioner of Official Languages found that under section 20(2) of the Act, the Immigration and Refugee Board had not translated its final decisions, which were issued in English, into French within a reasonable timeframe. The Commissioner concluded that the institution had not established a procedure for having these documents translated and was therefore not able to take the necessary steps to address this challenge appropriately.

To correct the situation and follow up on the Office of the Commissioner's investigation, the Immigration and Refugee Board adopted a process whereby translations will now be completed within a reasonable timeframe. It also signed an agreement with the Translation Bureau, which assigned translation teams for these decisions.

Citizenship ceremonies: A golden opportunity

Over the past few years, the Office of the Commissioner of Official Languages has received complaints that some judges presiding at citizenship ceremonies organized by Citizenship and Immigration Canada were not bilingual or spoke very little French. These complaints also stated that employees from this department (or individuals acting on its behalf) did not always provide services in both official languages.

Although the Governor in Council appoints citizenship judges, Citizenship and Immigration Canada must ensure that citizenship ceremonies are conducted in both official languages when there is significant demand in accordance with the *Official Languages (Communications with and Services to the Public) Regulations*. The Office of the Commissioner's investigation found that, during the ceremonies cited in the complaints, Citizenship and Immigration Canada did not meet the requirements of Part IV of the *Official Languages Act*.

In response to the Office of the Commissioner's investigation, Citizenship and Immigration Canada took measures to address the problems raised in the complaints made by the public. It launched a dialogue with certain official language communities to comply with its obligations regarding the promotion of English and French during the ceremonies. Citizenship and Immigration Canada now provides language training to citizenship judges so that they can conduct the ceremonies in both official languages. The speech made by judges during these events will be revised in order to better reflect Canada's linguistic duality.

These ceremonies are a great opportunity to emphasize the value of linguistic duality across the country, regardless of whether the office is designated bilingual. Unfortunately, this opportunity is not always seized. Citizenship and Immigration Canada has recognized the importance of promoting linguistic duality and has begun taking measures to ensure that it is properly taken into consideration.

Commissioner discusses linguistic duality with new citizens

In June 2010, the Commissioner of Official Languages was a speaker at the citizenship ceremony organized by Citizenship and Immigration Canada in Montréal. At this event, 53 people from 18 countries became Canadian citizens. The Commissioner encouraged them to help promote linguistic duality.

Federal institutions in the digital age

The *Official Languages Act* does not provide federal institutions with clear answers on how to operate in the digital universe. However, the Commissioner believes that the digital world is essentially an extension of the paper universe and that, consequently, federal institutions must:

- provide the public with on-line government services of equal quality in both official languages;
- provide their employees with computer systems in the official language of their choice;
- maintain a balance between the English and French information they distribute to the Canadian public via the Internet;
- meet their official languages obligations when communicating with or consulting the public through social media.

If federal institutions do not factor in these four points, members of the public or employees of the federal public service can file a complaint with the Office of the Commissioner of Official Languages. For example, many people have contacted the Office of the Commissioner to complain about the poor quality of the French version of certain federal Web sites, a situation that is sometimes caused by the use of machine translation tools. In 2010, the Office of the Commissioner received complaints about the Royal Canadian Mounted Police, which had decided to direct its visitors to Google Translate, an on-line translation software, as an option to produce a more timely French translation of the texts that interested them.[1]

These complaints led the Commissioner to take a proactive approach concerning the quality of the English and French used on over 200 federal Web sites. During his review, the Commissioner also checked to see whether English and French had equal prominence on government Web sites.

This intervention found that about a dozen federal Web sites did not comply with the *Official Languages Act*. The Office of the Commissioner encouraged those responsible to correct the situation and, since then, some of the sites have been adjusted accordingly.

While federal institutions can use computer programs at a certain point in the translation process, they must also plan for translations to be reviewed by a human being to ensure their quality so that English-speaking and French-speaking Canadians receive the services to which they are entitled.

1 See "La GRC propose Google Translate," *Radio-Canada*, August 2, 2010, www.radio-canada.ca/regions/colombie-britannique/2010/08/02/002-grc-cb-traduction-francais.shtml (accessed March 31, 2011) [French only].

Is machine translation reliable? Not really...

Donald Barabé, Vice-President of the Translation Bureau, notes that machine translation produces much better results today than it did 10 years ago. This is because computers now use probabilities to choose the translation that will most likely fit a given context. "However, in the vast majority of fields, the machine is not capable of producing quality publications. It can only provide the reader with an idea of what the text is about."

That said, can federal institutions benefit from machine translation by including it as a step in their translation process? "I'm not sure," said Mr. Barabé. "Studies conducted by the Translation Bureau show that the computer often produces a first draft that is so bad that it would be better to ask a professional translator to redo the translation than to have him or her edit the work already done. [translation]"

Positive measures can be planned

In 2010–2011, the Office of the Commissioner received a number of complaints that Industry Canada had not taken the needs of French-speaking minority communities into account when designing and implementing the Knowledge Infrastructure Program. The federal government adopted this two-year $2 billion economic measure to stimulate the Canadian economy and create jobs. Among other things, this program enabled repair, maintenance and construction projects to be carried out in Canadian post-secondary institutions.

The Office of the Commissioner's investigation determined that the program had produced benefits for some official language communities but that these benefits were fortuitous rather than planned. Industry Canada gave priority to projects that would improve the quality of the research and development conducted in universities and to projects that would improve the quality of training facilities in colleges. Some post-secondary institutions located in official language communities benefited from these projects; however, it seems that this positive outcome was more of a pleasant surprise than an anticipated result.

The Office of the Commissioner believes that before, during and after the implementation of the Knowledge Infrastructure Program, Industry Canada should have taken specific, deliberate measures to define the needs and interests of official language communities and to take them into account. The fact that one initiative from one federal institution happened to have had a positive impact on English and French in Canada is not enough. Each institution must consciously work towards obtaining this result to maximize the likelihood that this will happen and ensure optimal compliance with Part VII of the *Official Languages Act*.

Complying with a directive is not the same as complying with the *Official Languages Act*

Some federal institutions feel that they do not have to consider the needs and specific characteristics of official language communities when they are complying with a governmental directive. The development of all federal policies and directives, and their implementation by federal institutions, must contribute to achieving the objectives of Part VII of the *Official Languages Act*.

For example, in 2009, the Fédération franco-ténoise filed complaints against Public Works and Government Services Canada and the Treasury Board of Canada Secretariat. It said that these institutions had not complied with Part VII of the Act because they had not considered the Fédération as a priority purchaser when selling surplus federal land and buildings in Yellowknife, Northwest Territories.

A review of the decision-making process behind this property transaction led the Office of the Commissioner to conclude that Public Works and Government Services Canada should have identified and factored in the needs and specific characteristics of the Fédération franco-ténoise. In its application of Treasury Board's *Directive on the Sale or Transfer of Surplus Real Property*, Public Works and Government Services Canada did not take into account the fact that the Fédération franco-ténoise had had an opportunity to acquire a building that could have housed several community associations, which would have contributed to the vitality of this community.

For these reasons, the Commissioner recommended that Public Works and Government Services Canada establish clear internal directives to ensure that the Part VII obligations of the *Official Languages Act* are understood by managers and taken into account when selling or transferring surplus land and buildings (or in any other type of related transaction).

The Office of the Commissioner reminded the Treasury Board of Canada Secretariat that it must factor in Part VII when developing its policies and directives. In addition, the objectives of Part VII of the Act should be more clearly detailed in the provisions of policy instruments that fall under the authority of the Treasury Board of Canada Secretariat. This would enable federal institutions to take these objectives into account more effectively when conducting these types of transactions. The Commissioner believes that the Treasury Board of Canada Secretariat needs to make the appropriate clarifications.

Linguistic designation of positions

Section 91 of the *Official Languages Act* states that federal institutions must objectively determine whether a position should be designated unilingual or bilingual. The linguistic designation of a position is to be determined in part by taking into account the obligations regarding the delivery of services to the public and regarding language of work. This means that a position is likely to be designated bilingual if the incumbent must serve the public in both official languages, if the position is located in a region designated as bilingual for language-of-work purposes, or if the incumbent must supervise or provide advice to federal public service employees who have language-of-work rights.

The Public Safety Canada situation

In volume II of his 2009–2010 annual report, the Commissioner of Official Languages indicated that Public Safety Canada intended to implement an action plan to review the linguistic designation of EX minus one positions that have supervisory functions. Since then, the Department has implemented the plan, but appears to be continuing to advertise job postings with linguistic profiles that do not seem to have been established objectively, given the degree of complexity of the tasks that the incumbents have to carry out.

Federal institutions must then establish, equally objectively, the level of language skills that the incumbent must have in order to carry out his or her tasks. Federal government employees in bilingual positions must have language skills in reading comprehension, written expression and oral interaction in their first and second official language. There are three levels for each skill: A (beginner), B (intermediate) and C (advanced). For example, a position with a CBC/CBC linguistic profile requires the incumbent to be able to write in his or her second language at an intermediate level; a position that involves few complex interactions and requires the incumbent to carry out simple, concrete tasks in his or her second language could be designated BBB/BBB. A supervisory or managerial position, or a position that requires the incumbent to work with abstract concepts or give strategic advice should be designated at least CBC/CBC.

The Office of the Commissioner's investigations found that many federal institutions often make do by assigning the minimum linguistic profile to positions without conducting an objective assessment. This explains why sometimes, within the same institution, positions involving tasks with varying degrees of complexity all have a linguistic profile of BBB/BBB (bilingual position), French essential (unilingual position) or English essential (unilingual position).

This type of practice is obviously risky because it can lead to language-of-work issues. For instance, a supervisor whose language skills are below recommended levels would have difficulty supervising his or her employees in the official language of their choice because of the nature of the tasks and the complexity of communications.

Unfortunately, Treasury Board's *Directive on the Linguistic Identification of Positions or Functions*,[2] to which many managers refer, does not take the foregoing into account and states that federal institutions can establish the linguistic profile of supervisory positions at the BBB/BBB level as a minimum.

The Commissioner believes that the level of language skills required to supervise employees in regions designated as bilingual for language-of-work purposes should be at least CBC/CBC. Supervisors must provide feedback and advice to their employees and handle sensitive issues related to human resources management and performance assessments, all in the preferred official language of each employee.

RECOMMENDATION 3

The Commissioner of Official Languages recommends that, by November 30, 2012, the President of the Treasury Board establish CBC/CBC as the minimum level of language skills required to supervise employees in regions designated as bilingual for language-of-work purposes.

2 Treasury Board of Canada Secretariat, *Directive on the Linguistic Identification of Positions or Functions* (Ottawa, 2004), www.tbs-sct.gc.ca/pol/doc-eng.aspx?evttoo=X&id=12524&section=text (accessed March 31, 2011).

BBB/BBB is not a one-size-fits-all solution

In 2011, the Office of the Commissioner of Official Languages published a study called *Beyond Bilingual Meetings: Leadership Behaviours for Managers*, which shows that establishing BBB/BBB as the level of language skills required for intermediate supervisory positions prevents federal institutions from complying with their language-of-work obligations. "In the end, it is not enough to designate supervisory positions as bilingual and to staff them imperatively. All supervisory positions must have a language profile of CBC and the incumbents must maintain their skills in their second official language to ensure actual bilingual capacity and foster a bilingual workplace."[3]

4.3 AUDITS

The Office of the Commissioner of Official Languages intervenes in a preventive or targeted manner, depending on the circumstances, by auditing federal institutions' compliance with the *Official Languages Act*. These audits usually lead to recommendations for improvement. The Office of the Commissioner conducted three audits this year.

Environment Canada

On June 2, 2010, the Office of the Commissioner published the follow-up to its 2008 audit of the bilingual weather and environmental services provided on the Environment Canada automated telephone network. The 2008 audit had shown major shortcomings in the active offer of bilingual services and the availability of bilingual weather information on the automated telephone network.

The follow-up report revealed that Environment Canada and the Meteorological Service of Canada demonstrated good leadership by taking concrete measures to ensure that Canadians can obtain information on the weather and the environment in the official language of their choice.

Service Canada

On December 7, 2010, the Office of the Commissioner published an audit report on the delivery of bilingual services by Service Canada centres, outreach sites and call centres.

The audit revealed that Service Canada had set up a framework to administer the official languages program and that progress had been made on the active offer of bilingual services. However, shortcomings still exist, particularly with regard to bilingual capacity in some regions and the formal mechanism for consulting with official language minority community representatives. To address these shortcomings, the Commissioner made seven recommendations to Service Canada. The institution has developed an action plan to address the recommendations.

3 Office of the Commissioner of Official Languages, *Beyond Bilingual Meetings: Leadership Behaviours for Managers* (Ottawa, 2011), p. 8. Also available on-line at www.officiallanguages.gc.ca/html/stu_etu_032011_e.php (accessed March 31, 2011).

National Defence

On March 8, 2011, the Office of the Commissioner published a follow-up to its 2006 audit of the language of work at National Defence Headquarters. The 2006 audit had shown that Anglophones and Francophones had not received equal treatment with regard to language of work at Headquarters, and that working conditions had not allowed Francophones to use their language.

The follow-up revealed that National Defence had adopted some useful measures and made significant efforts to promote both official languages and to raise employees' awareness of their rights and obligations. Four years after the audit, however, it seems that there are still not enough bilingual supervisors and military personnel who are able to provide central services in English and French, which makes it difficult to create a work environment that is conducive to the use of both official languages at National Defence Headquarters.

Positive results

The Commissioner has noted that the three institutions that were audited seem determined to act on his findings. The commitment demonstrated by senior management and staff at Environment Canada, Service Canada and National Defence will help these institutions resolve their issues and strengthen linguistic duality for years to come.

Two upcoming audit reports

The Office of the Commissioner of Official Languages conducted two audits in 2010–2011. In spring 2010, it initiated an audit of service delivery in English and French to Air Canada passengers. The report will be released in fall 2011. In March 2011, the Office of the Commissioner began its review on how Industry Canada is fulfilling its responsibilities under Part VII of the *Official Languages Act*, especially section 41. This report is expected to be released in spring 2012.

4.4 THE TRAVELLING PUBLIC

Federal institutions that are called upon to serve the travelling public are often the first point of contact for visitors to Canada. They are therefore well positioned to show that linguistic duality is a fundamental Canadian value. Unfortunately, some of these institutions do not seem to understand that English and French must be treated equally at all times.

A number of federal institutions that are unable to ensure the substantive equality of English and French on site believe that they are properly fulfilling their language obligations because they have bilingual capacity. For example, during investigations conducted by the Office of the Commissioner, the Canada Border Services Agency and the Canadian Air Transport Security Authority have very often insisted that bilingual officers were on duty at the time of an incident described in a complaint. Nonetheless, complainants could not receive service of equal quality as they would have had to wait longer to be served in their preferred official language than those being served in the other official language.

Michel Thibodeau
Ontario

French-language service at Air Canada

Michel Thibodeau and his wife took two disappointing trips with Air Canada in 2009. "This carrier repeatedly failed to serve us in French on board the aircraft. It was the same when our luggage arrived at the airport in Toronto and Ottawa. We therefore initiated legal proceedings in the Federal Court to ensure our rights are respected. [translation]"

This is the second case Michel Thibodeau has filed against Air Canada. In the first instance, he won his case before the Federal Court of Appeal in 2007, seven years after he filed his complaint. Taking the language rights of all French-speaking travellers to heart, Michel Thibodeau perseveres. "With the support of the Office of the Commissioner of Official Languages, we have shown that, over the years, Air Canada has systematically failed to meet its obligations under the *Official Languages Act*. We ask that the Federal Court compensate us for the violations of our language rights and render an order imposing measures to force Air Canada to come up with a definitive solution to the systemic problems hindering its full respect of our rights and those of all Francophones. [translation]"

Commissioners of official languages have long deplored the fact that complainants must go to court to obtain concrete and long-term results from federal institutions.

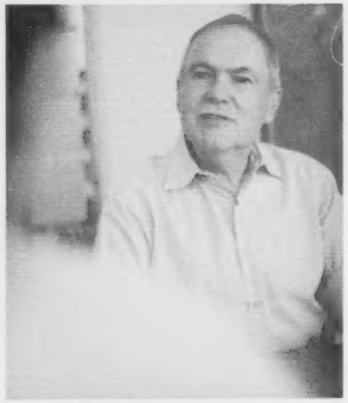
Some institutions use logistics or technology as pretexts to justify the fact that they do not offer services of equal quality to Anglophones and Francophones. For example, at some border crossings in Ontario, the Canada Border Services Agency considers it appropriate to make French-speaking travellers go to bilingual officers located in the secondary examination area because, logistically, it would be impossible for the bilingual officers to go to the travellers. The Canadian Air Transport Security Authority says that sorting mechanisms, such as floor mat randomizers that automatically select a service point for each traveller, prevent visitors who wish to be served in the official language of their choice from being directed towards a line where bilingual employees are assigned.

Other institutions have a minimalist interpretation of the *Official Languages Act*. As a result, most major Canadian airport authorities mistakenly continue to interpret their language obligations in a very narrow way, as if they only applied to the travelling public and not the general public, and as if the Act only applied to the area restricted to travellers but not the rest of the airport. For example, most airport authorities believe that passengers with a boarding pass have the right to be served in the official language of their choice at stores located in the area of the airport restricted to passengers, but not in the cafés, restaurants or stores located outside of the security gates.

RECOMMENDATION 4

The Commissioner of Official Languages recommends that, by March 31, 2013, the Minister of Transport, Infrastructure and Communities make the necessary legislative changes to clarify the language obligations of airport authorities and thus confirm the right of the general public to communicate with them and receive services in either official language, pursuant to Part IV of the *Official Languages Act*.

CHAPTER 5



REPORT CARDS

This chapter presents the results of the report cards, a performance evaluation tool developed in 2004 by the Office of the Commissioner of Official Languages and used to analyze federal institutions' performance in terms of their application of the *Official Languages Act*.

5.1 METHODOLOGY

The Office of the Commissioner has refined the methodology used in report card evaluations over the past seven years. For example, in 2009 following the *DesRochers* decision, the Office of the Commissioner adapted the criteria for evaluating federal institutions in light of the Supreme Court of Canada's interpretation of Part IV of the Act.

The Office of the Commissioner draws from two primary sources of information to produce its report cards. It collects statistical data to determine whether a federal institution is applying the principle of active offer of services in its communications with the public, and whether

its services are of equal quality in English and in French. It also interviews representatives of targeted institutions to get a better understanding of the situation, including whether the institution has adequate procedures to promote English and French.

Some 200 federal institutions are subject to the *Official Languages Act*. Because the report card process cannot evaluate them all, each year the Office of the Commissioner selects several federal institutions that have never received a report card and some that need to be reassessed.

The 2010–2011 report cards comprise evaluations of 13 federal institutions selected on the basis of their providing significant funding to Canadians and volunteer organizations.[1] As Part VII of the Act is a major theme in this year's annual report, the Office of the Commissioner evaluated how well these institutions complied with Part VII when providing funding.

Canadian Heritage and the Treasury Board of Canada Secretariat were evaluated as regular federal institutions, rather than institutions with specific duties as stipulated in the *Official Languages Act*.

The institutions were evaluated based on six variables, each worth between 10% and 30% of the overall rating.[2] The results of the federal institutions are given as letters that correspond to the following scale:

- A = EXEMPLARY
- B = GOOD
- C = FAIR
- D = POOR
- E = VERY POOR

1 Industry Canada, a federal institution that falls under this category, was not evaluated this year because it received a report card last year and is currently undergoing an audit by the Office of the Commissioner of Official Languages. The performance evaluation of the Canadian Northern Economic Development Agency was postponed because it was created only recently.

2 For more information on how institutions were evaluated, please see the rating guide on the Office of the Commissioner of Official Languages' Web site at www.officiallanguages.gc.ca.

5.2 REPORT CARDS FOR FEDERAL INSTITUTIONS IN THE SCIENTIFIC AND TECHNICAL SECTOR

Agriculture and Agri-Food Canada

Agriculture and Agri-Food Canada provides information, conducts research, develops policies and administers programs to ensure that Canada's agriculture, agri-food and agro-industrial products sector is competitive, innovative and environmentally friendly.

The Department has developed a three-year official languages strategy for 2009–2012. Approved by senior management, this strategy addresses the shortcomings noted in past report cards and in the *Audit of the Service to the Public at Agriculture and Agri-Food Canada*.[3] The strategy aims to change the organizational culture so that respecting the *Official Languages Act* is considered a value rather than an obligation.

This commitment is reflected mainly in the area of language of work, which has become a departmental priority. Many measures have been taken to change employees' perception of official languages.

Agriculture and Agri-Food Canada has performed well with respect to Part VII of the Act. It has consulted with businesses and community partners and taken steps so that its programs, such as the Co-operative Development Initiative, effectively promote the development of cooperatives, including those in official language communities. The Department also knows that it should try to create a more systematic approach for consulting official language communities.

The quality of Agriculture and Agri-Food Canada's planning and the many promising initiatives that it has undertaken are the reasons for its good performance. The Department could improve by providing a better active offer of its services and by developing feedback mechanisms to be able to continually measure the impact of its actions in terms of language of work and the promotion of English and French.

Canadian Institutes of Health Research

The Canadian Institutes of Health Research is the Government of Canada's agency responsible for funding health research in Canada.

The organization is somewhat uneven in its management of the various parts of the Act. Although it is a role model regarding Part VII of the Act, it needs to try to improve its performance with respect to other parts of the Act.

The Canadian Institutes of Health Research has a detailed action plan for Part VII. It takes into account the needs of official language communities and the importance of consulting them in the context of major programs such as the strategic research initiative on official language minority communities. The organization has taken a variety of positive measures, such as organizing the Summer Institute on Health within Official Language Minority Communities every two to three years. This initiative raises awareness among health professionals across the country of the specific situation of official language communities and strengthens the capacity for research into the health problems facing these populations. Although the

3 Office of the Commissioner of Official Languages, *Audit of the Service to the Public at Agriculture and Agri-Food Canada* (Ottawa, 2009). Also available on-line at www.officiallanguages.gc.ca/html/audit_verification_032009_e.php (accessed March 31, 2011).

Canadian Institutes of Health Research would do well to develop tools to measure the impact of its programs on official language communities and the promotion of linguistic duality, its performance with respect to Part VII is generally remarkable.

The organization's performance is less satisfactory, however, with respect to other parts of the Act. It does have an action plan for Parts IV, V and VI of the Act that is reviewed quarterly, but this plan should include more easily measurable objectives. And although the Canadian Institutes of Health Research has taken certain steps, such as issuing news releases and organizing information sessions, to encourage the use of both official languages in the workplace, it should consider taking other, more proactive measures. Service to the public is available in both languages nearly all the time; however, the active offer of services needs improvement. The organization has only just begun to think about how to address the *DesRochers* decision.

The Office of the Commissioner believes that the leadership within the Canadian Institutes of Health Research, which has made it an excellent example of how to apply Part VII, would also enable it to better fulfill its other obligations under the Act.

National Research Council Canada

National Research Council Canada undertakes and supports scientific and industrial research in fields of importance for Canada. It provides its services through 20 research institutes, including the Industrial Research Assistance Program. Note that this evaluation is based solely on the results for the Industrial Research Assistance Program and for National Research Council Canada headquarters.

Overall, National Research Council Canada's approach to official languages is random and disorganized, despite the fact that it has recently developed an official languages action plan. At the time this report was being prepared, the plan had not been approved, nor did it have any objectives or deadlines. While the organization has begun to consider the impact of the *DesRochers* decision on its communications and service delivery strategies, it has not yet determined whether this ruling could change how it should respond to the needs of official language communities. National Research Council Canada has taken measures to promote the use of both official languages in the workplace, but managers at its headquarters should show significantly greater commitment to creating a truly bilingual environment.

In terms of Part VII of the *Official Languages Act*, the Industrial Research Assistance Program works with some of the national representatives of official language community organizations, but it should make more of an effort to get to know the local community organizations that it targets. Identifying official language community needs is currently done in a disorganized manner, especially when a business from one of the communities requests consulting services. Moreover, none of the Program's initiatives have objectives relating to official language community vitality or the promotion of linguistic duality. However, National Research Council Canada has committed to resolving this shortcoming quickly.

The fact that National Research Council Canada consists of 20 relatively independent institutes is a sizeable challenge. This organization lacks leadership when it comes to official languages. And while it is certainly making an effort to apply the *Official Languages Act*, its actual accomplishments are as yet too few.

Social Sciences and Humanities Research Council

OVERALL RATING: B

Natural Sciences and Engineering Research Council

OVERALL RATING: C

The Social Sciences and Humanities Research Council encourages and supports research and training in social sciences and humanities in post-secondary institutions. The Natural Sciences and Engineering Research Council fulfills a similar mandate in the fields of natural sciences and engineering.

These two organizations manage official languages jointly, except for Part VII of the *Official Languages Act*. This explains why their performance is identical with respect to service to the public, language of work and the management of the official languages program. At the time this report was being prepared, neither organization had a formal action plan that took Parts IV, V and VI of the Act into account. If this significant shortcoming is not resolved, they will not be able to correct certain major problems, such as the lack of active offer of services.

The results for these two federal institutions regarding Part VII, however, show that the Social Sciences and Humanities Research Council has a much stronger organizational culture in terms of this part of the Act than does the Natural Sciences and Engineering Research Council.

The Social Sciences and Humanities Research Council and Part VII

The Social Sciences and Humanities Research Council has a 2009–2012 three-year plan for the implementation of section 41 of the Act. This plan stipulates that the organization must ensure that researchers from official language communities are aware that the Social Sciences and Humanities Research Council provides funding. The organization has also endeavoured to identify and consult official language communities that may be interested in its mandate, although it has not targeted them all and does not do so systematically. This has enabled it to determine the needs of official language communities and resulted in the investment of over $3 million in 2009–2010 in research activities related to linguistic duality and official language community issues.

The Natural Sciences and Engineering Research Council and Part VII

The Natural Sciences and Engineering Research Council has a limited definition of what constitutes an official language community, having decided that this type of community must include a university or college. It therefore does not approach, consult or take into consideration communities with no post-secondary institutions, even if these communities could be affected by the results of research supported by the Natural Sciences and Engineering Research Council.

Moreover, the organization says that it allocates its financial contributions according to merit, and therefore without regard for the language of the researchers or the location of the research institutions. Any positive effect these grants may have on official language communities is therefore purely fortuitous. For example, the creation of a pilot program to increase the research capacity in small universities led the Natural Sciences and Engineering Research Council to support Laurentian University in Sudbury, Ontario, and Bishop's University in

Sherbrooke, Quebec. Although this measure is a positive one for the Franco-Ontarian community and the English-speaking community in Quebec, it was not part of the original plan. For Natural Sciences and Engineering Research Council initiatives to continue to benefit official language communities, it must consciously take their specific situation into account.

In summary, two federal institutions with very similar mandates can take a very different approach to Part VII of the *Official Languages Act*. This approach depends on the managers' and employees' understanding of the Act and on the level of leadership shown. The Social Sciences and Humanities Research Council should continue to pursue its initiatives to foster the development of official language communities and promote linguistic duality. The Natural Sciences and Engineering Research Council needs to focus more on its obligations under Part VII of the Act. While continuing to support the best researchers and institutions, the latter institution must now make official languages one of the values guiding its decisions and actions.

5.3 REPORT CARDS FOR FEDERAL INSTITUTIONS IN THE ECONOMIC DEVELOPMENT SECTOR

Aboriginal Affairs and Northern Development Canada

OVERALL RATING: D

Aboriginal Affairs and Northern Development Canada, formerly Indian and Northern Affairs Canada, is responsible for administering the *Indian Act* and supporting the efforts of Aboriginal peoples (First Nations, Inuit and Métis) and Northerners to increase their prosperity and improve their living conditions.

The Department has undertaken a variety of initiatives to ensure compliance with the *Official Languages Act*: it has developed an action plan on Parts IV, V and VI of the Act; it has adopted measures to offer services to the country's various Aboriginal communities in the official language of their choice; and it has taken steps to strengthen the place of English and French in the workplace.

However, to fully respect its obligations under the *Official Languages Act*, Aboriginal Affairs and Northern Development Canada must be much more active in its efforts. Even though the Department has its own set of challenges, fulfilling its mandate and taking all parts of the Act into account are not incompatible objectives.

Aboriginal Affairs and Northern Development Canada therefore needs to improve its capacity to serve the public in both official languages. Currently, it provides a verbal active offer of its services only 25% of the time, and serves members of the public in the official language of their choice only half of the time. The Department should also raise awareness among its managers and supervisors of the importance of creating a workplace that is more conducive to the use of English and French.

However, Aboriginal Affairs and Northern Development Canada has taken some measures to promote the Métis and Non-Status First Nations people who live in official language communities. While these measures are admirable, the Department should make more of an effort to promote the advancement of English and French in Canadian society.

Atlantic Canada Opportunities Agency

OVERALL RATING: B

By promoting business growth, the Atlantic Canada Opportunities Agency helps Canada's Atlantic provinces develop and diversify their economies. This organization is noteworthy for its initiative. For example, it has already developed a draft plan to address the *DesRochers* decision and has created a steering committee to guide the implementation of this plan. It is also particularly remarkable for its exceptional application of Part VII of the *Official Languages Act*.

The organization started by developing a three-year action plan that includes targets for the promotion of English and French, positive measures to take, and performance measure indicators to use. It makes sure that it consults official language communities systematically; for example, through its regional coordinators' network and a bipartite committee bringing together its representatives and those from the Réseau national de développement économique francophone. The organization also takes the needs of official language communities into account through targeted programs such as the Economic Development Initiative and the Innovative Communities Fund.

These exemplary practices are just part of the reason for the Atlantic Canada Opportunities Agency's overall good performance. The organization should, however, create a detailed action plan to manage its efforts in the areas of service to the public and language of work. To provide equal opportunities for employment and advancement to members of both official language communities, the Atlantic Canada Opportunities Agency should ensure that it regularly includes a broad range of post-secondary institutions when recruiting French-speaking employees. It should also adopt mechanisms to evaluate the impact that its major decisions, especially those leading to the elimination of contribution programs, could have on linguistic duality.

Economic Development Agency of Canada for the Regions of Quebec

OVERALL RATING: B

The Economic Development Agency of Canada for the Regions of Quebec works to promote long-term economic development by paying particular attention to regions of Quebec with slow economic growth.

This organization performed well as a result of its skilful implementation of most parts of the Act. Its results for Part VII are particularly noteworthy. The Economic Development Agency of Canada for the Regions of Quebec works closely with English-speaking minority communities in Quebec and has taken positive measures (for example, the Harrington Harbour Tourism Association and the Quebec Multilingual Committee) to encourage economic development in these communities and promote linguistic duality. At the end of each project, the organization evaluates whether its objectives were achieved.

The Economic Development Agency of Canada for the Regions of Quebec also took concrete action to promote the use of English in the workplace; however, it should create mechanisms to evaluate the impact of these measures. It should also find innovative ways of recruiting more English-speaking Quebecers, because they are still underrepresented in its 14 regional offices.

To improve its performance, the organization should essentially stay on track and develop a tool to systematically take into account the impact of its decisions on official language communities and on the promotion of linguistic duality.

Jean-Pierre Thibault
Quebec

Quebec English-speaking community partner

"We have official languages champions in each of our 14 business offices, as well as in the programs, regional coordination and human resources branches at headquarters," noted Jean-Pierre Thibault, Director General of Communications, Canada Economic Development Agency for the Regions of Quebec. "Each of them, according to his or her specific duties, consults with the English-speaking communities in order to better understand their needs. The champions need to work closely with community leaders and with provincial and regional representatives of official language community organizations. This approach enables us to better take into account the concerns of the English-speaking communities.

"The effective decentralization of official languages responsibilities and our employees' ability to work together with English-speaking minority communities are essentially the two key factors of our success [translation]," concluded Mr. Thibault.

Infrastructure Canada

OVERALL RATING: B

Infrastructure Canada is a young, small-scale organization that plays a lead role in public infrastructure funding and manages funds of approximately $35 billion. These funds are disbursed in the form of transfer payments to provinces, territories and municipalities, which are responsible for managing construction projects. Since its creation, Infrastructure Canada has had to deal with tight deadlines for distributing funds through Canada's Economic Action Plan. It should also be noted that Infrastructure Canada does not have a direct front-line presence.

Infrastructure Canada has some good official languages practices. In the area of service to the public, it re-evaluated its current agreement model in order to take the *DesRochers* decision into account. The funding agreements that Infrastructure Canada has with the other levels of government include language clauses requiring that communications with the public be in both official languages. In terms of language of work, the organization took effective measures to enable employees to improve their proficiency in English and French as a second language. Almost all Infrastructure Canada positions are designated bilingual and nearly all incumbents meet the language requirements of their positions.

With respect to managing official languages, Infrastructure Canada should include all parts of the Act in its official languages action plan rather than focusing only on language of work. Its next action plan needs to address the Act as a whole.

The organization should also examine the untapped potential regarding Part VII of the Act. Infrastructure Canada has told official language communities about its programs (by advertising in their media and giving presentations, for example). This is a good start, but it should go further to identify the needs of official language communities. While its mandate is to grant transfer payments for infrastructure projects that will benefit all Canadians, the organization should also examine how its decision-making processes and monitoring mechanisms could factor in the needs of official language communities.

Recognizing the context in which Infrastructure Canada operates, the Office of the Commissioner of Official Languages is of the opinion that Part VII of the Act directly affects this organization and encourages it to review how it can better implement this part of the Act. Infrastructure Canada should evaluate the impact of its decisions on official language communities and linguistic duality, and should discuss Part VII with the provinces, territories and municipalities likely to benefit from its support. The organization could also be more proactive by making official language community development a factor in its decision-making processes.

Western Economic Diversification Canada

OVERALL RATING: B

The mandate of Western Economic Diversification Canada is to support long-term improvement in the competitiveness of Manitoba, Saskatchewan, Alberta and British Columbia. The Department is characterized by its strong organizational culture, which includes linguistic duality in decisions and actions.

Western Economic Diversification Canada's official languages strategy links its language obligations and commitments to the priorities and objectives set out in its strategic framework. Even though its headquarters are in Edmonton and it has only one bilingual office, in Ottawa, the Department endeavours to promote communications in English and French in all its activities. It also tries to increase the number of its French-speaking employees by recruiting in official language communities.

Western Economic Diversification Canada has developed a Part VII reflex and produced a Part VII plan. It has a good understanding of the official language communities targeted by its programs and systematically consults them. The Department understands the needs of these communities and takes them into account when developing its programs. For example, it has created a tool called the "official languages lens," which is a series of questions that its development officers answer to evaluate a project's economic benefits for official language communities.

Western Economic Diversification Canada needs to find ways to evaluate how language-of-work rights are respected in its offices, and its client service officers should make the verbal active offer of services more routinely. However, as a whole, the Department's performance is a model to be followed.

Noreen Gallagher
Manitoba

When Part VII becomes everyone's business

"Some 90 officers have been trained to use the official languages lens, and they have all been made aware of the key economic challenges that Francophones are facing," said Noreen Gallagher, Senior Business Officer at the Manitoba office of Western Economic Diversification Canada. "In other words, promoting English and French is no longer just a few people's job, but rather everyone's job.

"In the next few years, we will see how this new tool will affect support for official language communities. Using quality indicators to measure the effects of the actions we have taken, we will be able to improve. [translation]"

5.4 REPORT CARDS FOR FEDERAL INSTITUTIONS IN THE CULTURAL SECTOR

Canada Council for the Arts

OVERALL RATING: B

The mandate of the Canada Council for the Arts is to promote and support the production and presentation of artistic works. As the examples below show, the organization is noteworthy for successfully applying the virtuous circle of implementing the *Official Languages Act*.

The Canada Council for the Arts understands that, even though 93% of its employees are bilingual, it is important to regularly remind managers and employees of their language-of-work rights and obligations.

Its organizational culture is strongly focused on taking linguistic duality into consideration. This is demonstrated by the fact that it ensures that it is very knowledgeable about official language communities and that it identifies their needs and priorities by conducting consultations involving its senior managers.

The Canada Council for the Arts has a plan that sets out its official languages objectives and performance indicators, as well as employees' responsibilities. It has also taken official languages into account when designing most of its programs.

The organization takes positive measures that specifically focus on the development of official language communities. For example, it provides targeted funding to support artists and artistic organizations working in official language communities.

It is currently focusing on implementing tools that will help evaluate the impact of its programs on official language communities.

The Canada Council for the Arts is not perfect (for example, the active offer of services is not made nearly enough in person), but it does show that taking the virtuous circle into account is not so difficult. It is a question of leadership above all.

Canadian Heritage

OVERALL RATING: A

Canadian Heritage designs programs and policies that support culture, the arts, heritage and sports. It is one of the federal institutions that has had the most success in placing linguistic duality at the heart of its mission and its activities.

Canadian Heritage shows how much it values linguistic duality by taking a variety of measures to promote the effective use of both official languages in the workplace: it created a language buddy program, and it established language-of-work guidelines that clearly set out the responsibilities of its managers and employees in regions designated as bilingual or unilingual.

The Department also demonstrates its commitment to the *Official Languages Act* by providing its services in both official languages at all times, and especially by making full compliance with Part VII of the Act a true priority. Canadian Heritage systematically consults official language communities through working groups and federal councils, and when developing cooperation agreements with provinces and territories. Not only does the Department have a thorough understanding of the needs of official language communities, it also takes these needs into account when designing and implementing programs.

Canadian Heritage takes positive measures to strengthen linguistic duality. For example, the organization supports the Association régionale de la côte Ouest in Newfoundland and Labrador for its Île à Île project, which celebrates the cultural ties between the French-speaking communities of the Magdalene Islands and the Port-au-Port Peninsula, and encourages cultural exchanges and partnership opportunities between them.

There is always room for improvement, however. Canadian Heritage should develop an action plan that includes targeted measures for the implementation of Parts IV, V and VI of the Act. It could also improve its active offer of services. Moreover, the Department should ensure that its evaluation tools are more effective in factoring in the impact of major decisions—such as the elimination of a program or the closure of an office—on official language communities and linguistic duality.

Robert Sirman
Ontario

For federal institutions, commitment is everything

Robert Sirman, Director and Chief Executive Officer of the Canada Council for the Arts, said that peer assessment is a cornerstone of his organization's grant process. "We ensure that official language communities are sufficiently represented on our peer assessment committees. In fact, for the past few years, their representation has been greater than their demographic weight in the general population. We have the power to ensure that the voice of these communities is heard—loud and clear—when we define and refine our programs, and we use this power," said Mr. Sirman.

"Of course, money and programs are important when it comes to complying with the *Official Languages Act*, but having an organizational culture that helps promote linguistic duality and foster the development of official language communities is really what produces effective results in this area [translation]," he concluded.

5.5 REPORT CARD FOR A CENTRAL AGENCY

Treasury Board of Canada Secretariat

OVERALL RATING: B

The Treasury Board of Canada Secretariat makes recommendations regarding policies, regulations and directives on how the federal government manages its resources. It also provides support and advice to help federal departments and organizations optimize their operations. The Treasury Board Secretariat rarely provides services directly to Canadians, but its policies have a direct impact on federal departments and organizations that interact with the public.

The organization's performance in terms of official languages is generally good. It has a three-year official languages action plan that focuses primarily on Part V of the Act. Its sector representatives must undertake initiatives to promote the use of both official languages in the workplace. They are also encouraged to inform senior management of the organization's challenges and successes in this area.

The Treasury Board Secretariat has taken measures in the area of language of work. To evaluate the impact of these measures and its employees' satisfaction regarding language of work, the organization would do well to use methods other than the public service employee survey. The Treasury Board Secretariat has also taken the interesting initiative of making language training mandatory for candidates appointed to designated bilingual positions through non-imperative appointments within six months of their appointment.

The organization has little in-person contact with the public, but its performance in the area of service over the telephone was exemplary.

In terms of Part VII, the Treasury Board Secretariat conducts a critical assessment of the submissions it receives by taking into consideration their impact on official language communities and the promotion of linguistic duality. Official languages is one of the factors taken into account in the guide it uses to review federal directives and policies that prescribe the way in which institutions provide services to Canadians. However, the Treasury Board Secretariat should organize appropriate consultations, rather than simple information sessions, when it prepares and performs this review. This would enable it to truly factor in the needs of official language communities when amending its directives and policies.

CHAPTER 6

SUMMARY OF FINDINGS

This chapter focuses on the Office of the Commissioner of Official Languages' analyses of the complaints it received, of the investigations and audits it conducted, and of the report cards it prepared in 2010–2011. The following sections present some of the specific findings on the way federal institutions comply with their obligations regarding service to the public, language of work, development of official language communities, promotion of linguistic duality and management of the official languages program.

6.1 COMMUNICATIONS WITH AND SERVICES TO THE PUBLIC

Issues

- Improve the active offer of services in both official languages.
- Provide services of equal quality in both official languages, including by e-mail.
- Take the *DesRochers* decision into account.

Again this year, the Office of the Commissioner received complaints about the language federal institutions used when greeting the public or providing services. Most complaints concerned the delivery of services in person.

The Office of the Commissioner found that most of the 13 federal institutions evaluated in this year's report cards had few problems providing services over the telephone in both official languages. The Canada Council for the Arts, the Canadian Institutes of Health Research, Infrastructure Canada, the Natural Sciences and Engineering Research Council, the Treasury Board of Canada Secretariat and Western Economic Diversification Canada all received an exemplary rating in that area, in terms of both active offer and availability of service.

The federal institutions evaluated in 2010–2011 provided service in person in the official language of the client's choice at least four times out of five. However, the verbal active offer in person remains a problem. The Economic Development Agency of Canada for the Regions of Quebec received the best rating in this area, having made the active offer 65% of the time. It seems that federal institutions need to be reminded yet again that they are required to clearly indicate that members of the public have the right to use English or French when they communicate with institutions.

The Office of the Commissioner assessed the services provided by e-mail in 9 of the 13 federal institutions evaluated this year[1] by sending them e-mails in English and French at the same time. None of the nine institutions replied to all of the requests equally in both official languages and none replied with equal timeliness in English and French. This situation is unacceptable, especially since interactions with Canadians through e-mail are becoming more and more frequent. Institutions must take prompt action to correct this situation.

Any federal institution with enough resolve can improve its service to the public. For example, this year the Office of the Commissioner conducted a follow-up[2] to its 2008 Environment Canada audit. The review revealed that the Department had improved its telephone communication services with the public. In the past, Environment Canada had experienced difficulty providing weather services in both official languages.

The Supreme Court's decision in the *DesRochers* case means that federal institutions must ensure that they provide services of equal quality in English and in French. This means that, in some cases, the services must be adapted to the particular needs of official language communities. In 2010, the Treasury Board of Canada Secretariat sent an analysis grid to federal institutions to help them apply the *DesRochers* decision. Although it is difficult to determine how well institutions are able to take the decision into account, the Office of the Commissioner finds it encouraging that most of the federal institutions it evaluated this year are casting a critical eye on their services and programs and giving serious thought as to how to provide services of equal quality in both official languages.

1 Because of the low number of responses obtained during the Office of the Commissioner's e-mail observations, the results of the observations for four of the institutions are not available.

2 Office of the Commissioner of Official Languages, *Audit of the Bilingual Weather and Environmental Services Provided on the Environment Canada Automated Telephone Network—Follow-up* (Ottawa, 2010). Also available on-line at www.officiallanguages.gc.ca/html/audit_verification_102010_e.php (accessed March 31, 2011).

6.2 LANGUAGE OF WORK

Issues

- Increase commitment from managers to foster the creation of a work environment conducive to the use of both official languages.
- Create mechanisms to evaluate language-of-work performance.

A substantial number of public service employees have attended meetings throughout their careers in which only the standard greetings are communicated in both official languages. This type of management behaviour sends an implicit message to employees that their right to work in the official language of their choice is not important. Again this year, the complaints filed with the Office of the Commissioner suggest that many public service employees are still finding it difficult to effectively work in the official language of their choice.

Some of the 13 federal institutions evaluated through this year's report card exercise take a rather minimalist approach to language of work. Because of a lack of leadership or willingness, they are not able to create a work environment that is genuinely conducive to the effective use of both official languages.

And yet how easy it is for a supervisor to identify and remember an employee's preferred official language and to use that language in conversation or during discussions with that employee. This kind of behaviour is a sign of respect and demonstrates a genuine willingness to create a work environment where employees feel comfortable using the official language of their choice. For example, during the follow-up[3] to its audit of National Defence, the Office of the Commissioner observed increased commitment from senior officials, which could lead to greater respect of employees' language rights. Federal institutions would only stand to gain if their managers adopted the exemplary behaviours described in *Beyond Bilingual Meetings: Leadership Behaviours for Managers*,[4] a study published by the Office of the Commissioner of Official Languages.

Many federal institutions believe they are effectively managing the language-of-work issue by providing language training to some of their employees. This is far from sufficient, as demonstrated by the number of complaints received by the Office of the Commissioner about Part V of the *Official Languages Act*. Federal institutions will not get the results they expect from their language training investments if they do not take measures to strengthen the presence of both official languages in the workplace and ensure that they are fully respected. Sending managers on second-language training would yield greater benefits if those managers could then return to a work environment that allowed them to use their new language skills.

Many of the federal institutions evaluated by the Office of the Commissioner face a common challenge: they have no way to measure their language-of-work performance. Without reliable measuring tools, they will continue to have difficulty identifying problems, finding appropriate corrective measures and determining whether the solutions lead to real improvement.

3 Office of the Commissioner of Official Languages, *Audit of Language of Work at National Defence Headquarters—Follow-up* (Ottawa, 2011). Also available on-line at www.officiallanguages.gc.ca/html/audit_verification_032011_e.php (accessed March 31, 2011).

4 Office of the Commissioner of Official Languages, *Beyond Bilingual Meetings: Leadership Behaviours for Managers* (Ottawa, 2011). Also available on-line at www.officiallanguages.gc.ca/html/stu_etu_032011_e.php (accessed March 31, 2011).

The Public Service Employee Survey is one of many tools that can help measure the level of employee satisfaction regarding language of work. However, this survey is usually conducted only once every three years. Federal institutions should therefore take the initiative and find other ways to evaluate the effectiveness of the measures they have taken. They must find evaluation methods that are effective and suitable for their particular work environment.

6.3 ADVANCEMENT OF ENGLISH AND FRENCH

Issues

- Improve knowledge of Part VII obligations.
- Intentionally implement Part VII rather than hope to get good results without taking steps to plan them.
- Create mechanisms to evaluate the effectiveness of positive measures.

Some federal institutions complied particularly well with Part VII of the *Official Languages Act* this year, including the Atlantic Canada Opportunities Agency, the Canada Council for the Arts, Canadian Heritage, the Canadian Institutes of Health Research, the Economic Development Agency of Canada for the Regions of Quebec and Western Economic Diversification Canada. These institutions respected the second principle of Part VII[5] by being very open to discussions with official language communities and by taking the necessary measures to effectively identify the needs of these communities.

Other federal institutions evaluated in 2010–2011 evidently have a poor grasp of their Part VII obligations. This lack of understanding is often the result of insufficient planning and preparation. Too many institutions still believe that Part VII of the Act does not apply to them.

The first element in the virtuous circle of implementing the *Official Languages Act* focuses on how important it is to "know:" that is, to understand and be aware of the obligations under the Act. However, when referring to Part VII, this means knowing how Part VII applies to a federal institution's mandate. To determine this, federal institutions must analyze all their programs and activities to determine how to factor in issues regarding the development of official language communities and the promotion of English and French. It is very difficult for federal institutions to take positive measures without considering these issues beforehand.

Programs and activities should be analyzed both within the federal institution and in cooperation with official language communities. These two parties should develop a practicable definition of positive measures that is compatible with the institution's mandate. The institution must systematically take action relating to Part VII and take measures to publish the results it obtains in this area.

The Office of the Commissioner noted that some institutions had developed programs that, without directly addressing official language communities, could have an impact on their development. It is always interesting when a program accidentally or incidentally has a positive impact on official

5 See the text box entitled "Three principles for implementing Part VII" in the introduction.

language communities; however, this is not good enough. The Part VII reflex—thinking about Part VII and taking it into account—should be there at the very start, when a new program is being developed.

Generally speaking, the federal institutions evaluated this year have not established permanent mechanisms to measure the potential impact of their decisions (for example, eliminating a program) on linguistic duality and official language communities. This shortcoming could result in complaints being filed with the Office of the Commissioner of Official Languages. The investigations pertaining to Industry Canada's Knowledge Infrastructure Program and to Public Works and Government Services Canada's sale of surplus federal land and buildings are striking examples.

The Office of the Commissioner's work has also shown that few federal institutions check whether the positive measures that they adopted actually had the desired effect on the targeted official language communities. One of the ways to evaluate the impact of a positive measure would be to ask the official language communities to provide feedback to the federal institution.

6.4 MANAGEMENT OF THE OFFICIAL LANGUAGES PROGRAM

Issues

- Prepare complete and specific action plans.
- Bring official languages closer to decision makers.
- Create tools to evaluate the impact of federal institutions' decisions on official languages.

Although most of the federal institutions evaluated this year have an action plan for implementing Part VII of the *Official Languages Act*, many of them do not have a plan for Parts IV, V and VI. They only have a business plan that includes a section on official languages. This practice is troubling because, in too many cases, the business plan does not include concrete or specific official languages objectives, clear timelines or a definition of each person's responsibilities. An institution's official languages action plan should be targeted, detailed and complete so that it can be used to guide the application of the Act.

The Office of the Commissioner noted that it is often someone from the human resources branch who is responsible for managing the official languages file, and that person must frequently perform these duties while also dealing with staffing and professional training issues. This type of situation could obviously hinder the optimal consideration of linguistic duality issues, as the latter would be perceived as just another challenge among many.

Assigning the management of the official languages file to human resources could also have other consequences. While this approach means that the *Official Languages Act* can be applied consistently within the institution, it distances the official languages issue from operations and from the institution's decision makers.

The Office of the Commissioner's work has demonstrated that few federal institutions have the tools to evaluate the impact that their decisions may have on official languages. Without these types of tools, it is impossible to know whether a decision to apply a policy, or to start, modify or end a program will have an impact on official languages. Federal institutions need these tools to ensure that they are fully complying with their requirements under the *Official Languages Act*.

CONCLUSION

ACCOUNTABILITY IS KEY

In 2005, the Parliament of Canada amended Part VII of the *Official Languages Act* to make advancement of English and French an enforceable obligation for all federal institutions.

This part of the Act is one of the primary tools for fostering and enhancing Canada's linguistic duality, a national attribute that strengthens our country's unity, contributes to our economic, cultural and social development and is partly responsible for our prestigious international reputation.

Part VII deserves immediate attention because of the inconsistent way it is applied by federal institutions. Five years have passed since the Clerk of the Privy Council wrote to the deputy heads of federal institutions to make them aware of the importance of Part VII, to allow them to familiarize themselves and comply with their new obligations and to ensure that they met those obligations. And yet, many institutions are still slow to take positive measures to promote the development of official language communities and foster linguistic duality in Canadian society.

The government needs to affirm—unequivocally—that the Act and the obligations and rights arising from it are a priority. However, the government has been sending negative signals by eliminating the mandatory long-form questionnaire of the 2011 Census and by responding half-heartedly to the Standing Senate Committee on Official Languages' report on Part VII. Furthermore, the government has not taken any large-scale initiatives to help federal institutions fully understand the importance of effectively applying this part of the Act. Federal institutions that play a key role in the implementation of the Act do not have the authority or the necessary resources to carry out their duties regularly and consistently. Some federal institutions still say that they do not understand Part VII, or act as though it does not apply to them.

In the second chapter of this report, the Commissioner of Official Languages has made two recommendations that, once implemented, will help federal institutions improve the way in which they take Part VII into consideration. First, he recommends that the Prime Minister of Canada amend Part VIII of the *Official Languages Act* in order to give the Treasury Board the power and authority to establish policies for the application of Part VII. Second, he recommends, among other things, that the Prime Minister of Canada and the Minister of Canadian Heritage clearly communicate their commitment to Part VII of the Act and confirm that it is a priority for all federal institutions to take positive measures to promote linguistic duality.

It is important for federal institutions to begin by adopting effective processes for implementing Part VII. In particular, they must open up a dialogue with official language minority and majority communities and form a true partnership in promoting English and French.

Federal institutions must also ensure that the processes for implementing Part VII result in actual positive measures. These institutions set worthy objectives by taking actions to improve how they take official languages into account when providing services to the public (Part IV), or when fostering the use of English and French in the federal workplace (Part V). Achieving these objectives can have an impact on the application of Part VII, because all parts of the Act are interrelated, but this cannot be considered a positive measure in and of itself.

According to the letter and spirit of the Act, federal institutions must deliberately take positive measures that are conducive to strengthening linguistic duality. Based on how federal institutions are complying with all parts of the Act, it is the Commissioner's opinion that there are still too many institutions content with the fact that their actions sometimes inadvertently have a positive impact on official language communities. It is not enough for a program intended for all Canadians to just happen to have a relatively favourable effect on these communities; institutions should intentionally aim to achieve these positive outcomes through good planning and careful execution.

Having analyzed the complaints it received, the investigations and audits it conducted and the report cards it prepared, the Office of the Commissioner was able to make several observations that federal institutions should take into immediate consideration. Greater effort must be made to ensure that members of the public are well aware that they have the choice of speaking English or French when communicating with federal institutions and when obtaining services by telephone, by e-mail and, especially, in person. Federal institutions must also redouble their efforts to ensure that their employees' work environment is truly conducive to the use of both official languages. To correct these shortcomings, the Commissioner of Official Languages has made two recommendations. The first aims to establish a minimum level of language skills required to supervise employees in regions designated as bilingual for language-of-work purposes, and the second aims to confirm the right of the general public to receive services in either official language in airports designated as bilingual.

The Commissioner firmly believes that federal institutions are capable of resolving all the shortcomings identified in this annual report. It is mainly a question of leadership. This is the essential ingredient for effectively applying each element of the virtuous circle of implementing the *Official Languages Act*.

The government and federal institutions must also be much more consistent in addressing the issue of official languages. For example, it is unfortunate that, in many institutions, the people responsible for applying the different parts of the *Official Languages Act* work independently from one other, as though the Act were not a cohesive whole with interrelated parts.

It is even more unfortunate that budget constraints too often prompt the government and federal institutions to make decisions that, under the pretext of improving or trying to improve efficiency or effectiveness, may have long-term negative effects on all aspects of federal language policy.

The government and all federal institutions are responsible for making every possible effort to properly fulfill their duties under the Act and, in doing so, preventing situations that may hinder the development of official language communities, that may deny Canadians their right to receive services in the official language of their choice and that may lead to complaints being filed. The government and every federal institution need to take responsibility and act quickly in order to strengthen linguistic duality and create an environment in which all Canadians, particularly those from official language communities, can thrive, feel appreciated, and contribute to Canada's prosperity, regardless of whether they speak English or French.

It is time to send the message—loud and clear—that Canada's official languages belong to all Canadians.

Recommendations

RECOMMENDATION 1

Whereas:

- the Treasury Board and the Department of Canadian Heritage each have specific and complementary roles in the implementation of the *Official Languages Act*;
- the Treasury Board and the Department of Canadian Heritage do not currently have the power or authority to provide proper guidance to federal institutions in the implementation of Part VII of the *Official Languages Act*;
- the Treasury Board does not currently have the authority to develop policies to give effect to Part VII of the *Official Languages Act*;

Therefore, the Commissioner of Official Languages recommends that the Prime Minister of Canada amend Part VIII of the *Official Languages Act* in order to assign the following responsibilities to the Treasury Board: establish policies to give effect to Part VII; recommend regulations to the Governor in Council to give effect to Part VII; issue directives to give effect to Part VII; and provide information to the public and to federal institutions relating to the policies and programs that give effect to Part VII.

RECOMMENDATION 2

Whereas it is the position of the Office of the Commissioner of Official Languages that:

- the Government of Canada must clearly communicate its commitment to Part VII of the *Official Languages Act*, must send a loud and clear message that implementing Part VII of the *Official Languages Act* is important and a priority for federal institutions, and must make federal institutions more accountable for their actions;
- the Government of Canada must adopt and communicate a vision of Part VII of the *Official Languages Act*, and must define the results it expects from all federal institutions;
- the *Roadmap for Canada's Linguistic Duality 2008–2013: Acting for the Future* must not be the only proof of the Government of Canada's commitment to Part VII of the *Official Languages Act*, because this five-year plan targets only 15 institutions, whereas all federal institutions must take initiatives to enhance the vitality of official language minority communities and promote linguistic duality;

Therefore, the Commissioner of Official Languages recommends that the Prime Minister of Canada and the Minister of Canadian Heritage and Official Languages clearly communicate their commitment to Part VII of the *Official Languages Act*, and confirm that it is important and a priority for all federal institutions to take positive measures to promote English and French and support the development of official language communities;

The Commissioner of Official Languages recommends that the Clerk of the Privy Council take measures to make senior management of federal institutions more accountable for the way in which their organizations implement Part VII of the *Official Languages Act*, and ensure that they report the results obtained in this area to the Canadian public;

The Commissioner of Official Languages recommends that senior management of federal institutions implement the *Official Languages Act* in its entirety, by including Part VII in their institutions' decision-making processes.

RECOMMENDATION 3

The Commissioner of Official Languages recommends that, by November 30, 2012, the President of the Treasury Board establish CBC/CBC as the minimum level of language skills required to supervise employees in regions designated as bilingual for language-of-work purposes.

RECOMMENDATION 4

The Commissioner of Official Languages recommends that, by March 31, 2013, the Minister of Transport, Infrastructure and Communities make the necessary legislative changes to clarify the language obligations of airport authorities and thus confirm the right of the general public to communicate with them and receive services in either official language, pursuant to Part IV of the *Official Languages Act*.

APPENDIX A

2010–2011 PUBLICATIONS

Every year, the Office of the Commissioner of Official Languages conducts studies in the area of official languages in order to better understand how the status and use of English and French in Canada have evolved. In much the same way as research and public awareness activities, these studies help the Commissioner to fulfill his role in terms of education and promoting linguistic duality within federal institutions and Canadian society.

These studies are also often an opportunity for the Commissioner to exercise his promotion, protection, prevention and liaison roles among the various parties affected by the *Official Languages Act* (federal institutions, community organizations, various levels of government, official language communities, etc.). Moreover, the studies help the Commissioner to ensure that linguistic duality continues to be a key concern for decision makers involved in the development of legislation, policy and regulations, as these government officials can take the studies into consideration when making decisions.

During 2010–2011, the following five publications were released.

ORGANIZING A MAJOR SPORTING EVENT IN CANADA: A PRACTICAL GUIDE TO PROMOTING OFFICIAL LANGUAGES (March 7, 2011)

This practical guide for promoting official languages at major national and international sporting events held in Canada is based on the *Final Report on the Vancouver 2010 Olympic and Paralympic Winter Games*. It provides organizers and federal institutions with information, ideas and advice on how to take both of Canada's official languages into consideration when planning a large-scale sporting event.

In addition to providing guidance for sporting event organizers, the guide can be useful for organizers of major cultural and artistic events, which involve many similar challenges.

It is crucial for official languages to be part of an event's initial planning stages. The organizing committee must allocate sufficient resources to ensure that both official languages are included and valued during the event.

BEYOND BILINGUAL MEETINGS: LEADERSHIP BEHAVIOURS FOR MANAGERS
(March 3, 2011)

This study shows that creating a work environment where employees feel comfortable using the official language of their choice depends mainly on the leadership of managers. It presents a Leadership Competencies Profile for Official Languages that is based on the principle that the leadership demonstrated by managers at all levels of a federal institution is a contributing factor in federal employees exercising their right to use the official language of their choice in the workplace.

The study emphasizes the role of leaders in the public service by identifying the skills and, in particular, the everyday behaviours of managers who have a direct impact on employees' use of their preferred official language.

For linguistic duality to be fully integrated within the public service, federal institutions' executives and managers must convey the message, through their behaviour, that linguistic duality is a workplace value. To do this, they must acknowledge and respect linguistic differences, and encourage positive interactions between the two language groups so they can better know and understand each other.

An on-line self-assessment tool for managers helps assess their ability to create a workplace conducive to use of both official languages.

FINAL REPORT ON THE VANCOUVER 2010 OLYMPIC AND PARALYMPIC WINTER GAMES
(December 14, 2010)

This report builds on the December 2008 study entitled *Raising our Game for Vancouver 2010: Towards a Canadian Model of Linguistic Duality in International Sport* and the September 2009 follow-up report.

The final report presents findings and lessons learned from the Games, as well as ideas for organizing future events so that linguistic duality is fully reflected. The Commissioner sets out his conclusions regarding the Multiparty Agreement, accountability, the ceremonies and cultural program, communications, volunteers, broadcasting and the performance of the federal institutions mentioned in the follow-up report.

FOUR PROVINCES, FOUR DAYS: REPORT ON ATLANTIC ROUND TABLE DISCUSSIONS ON THE CONTINUUM OF SECOND-LANGUAGE LEARNING OPPORTUNITIES
(August 18, 2010)

In spring 2010, the Office of the Commissioner of Official Languages, in collaboration with the provincial branches of Canadian Parents for French, held a series of round tables in the four Atlantic provinces. The goal of these meetings was to reflect on the issues raised in the 2009 study, *Two Languages, a World of Opportunities: Second-language learning in Canada's universities*, and to initiate a dialogue with the participants to improve second-language learning opportunities in Atlantic universities.

The round tables took place on four successive days from March 16 to 19, 2010, at the Université de Moncton in New Brunswick, Dalhousie University in Nova Scotia, Memorial University in Newfoundland and the University of Prince Edward Island. While participants raised some issues that are similar from province to province, the discussions revealed that some issues can vary from one province to the other.

Participants recognized that more concerted and coordinated action is needed at the national level and that local progress will require local action.

VITALITY INDICATORS 3
(April 2010)

Two studies published in April 2010 detailed the results of research conducted in fall 2008 and winter 2009 in the Francophone communities of the city of Calgary, Alberta, and the province of British Columbia.

This concluded the third phase of a multi-year research project aimed at better understanding the practical aspects of assessing community vitality. The objective of these studies was to give the communities tools for better establishing their priorities and for identifying indicators to measure results in cooperation with government partners.

The studies present the communities' best practices and develop realistic logic models, as well as indicators to measure the achievement of expected results. The communities will be able to use these tools in the accountability exercises required by their members and partners.

ADMISSIBLE COMPLAINTS IN 2010–2011

The Office of the Commissioner of Official Languages received 981 admissible complaints this year. Table 1 shows the number of complaints according to the province/territory and the relevant part/section of the *Official Languages Act*.

TABLE 1
ADMISSIBLE COMPLAINTS IN 2010–2011, BY PROVINCE/TERRITORY AND BY PART/SECTION OF THE *OFFICIAL LANGUAGES ACT*

	Service to the public	Language of work	Language requirements	Advancement of English and French	Equitable participation	Other	Total
Newfoundland and Labrador	6	0	0	0	0	0	6
Prince Edward Island	6	0	1	0	0	0	7
Nova Scotia	21	0	9	22	0	0	52
New Brunswick	16	4	14	1	0	0	35
Quebec	37	455	3	9	0	1	505
National Capital Region (Quebec)	14	12	5	24	1	1	57
National Capital Region (Ontario)	107	35	17	45	2	3	209
Ontario	43	3	1	2	2	0	51
Manitoba	7	0	1	1	1	0	10
Saskatchewan	2	1	0	0	0	0	3
Alberta	10	1	0	0	0	0	11
British Columbia	17	1	0	5	0	0	23
Yukon	3	0	0	0	0	0	3
Northwest Territories	0	0	0	0	0	0	0
Nunavut	1	0	0	0	0	0	1
Outside Canada	8	0	0	0	0	0	8
TOTAL	298	512	51	109	6	5	981

APPENDIX C

2010–2011 REPORT CARDS

EVALUATION PROCESS

Each year, the Office of the Commissioner of Official Languages evaluates a selection of the 200 institutions subject to the *Official Languages Act* that have never received a report card or that need to be re-assessed.

The 2010–2011 report cards comprise evaluations of 13 federal institutions selected on the basis of their providing significant funding to Canadians and volunteer organizations. One of the factors in evaluating the performance of these institutions was how well they complied with Part VII of the Act when providing funding.

This year, some changes were made to the evaluation and presentation methods used in the report cards for federal institutions:

- The most recent Public Service Employee Survey dates back to 2008. Therefore, the results of this survey pertaining to the satisfaction of federal employees regarding language of work—specifically, the satisfaction of French-speaking employees in the designated bilingual regions of Ontario, in the National Capital Region and in New Brunswick, as well as the satisfaction of English-speaking employees in the designated bilingual regions of Quebec—were not used. Instead, the Office of the Commissioner asked federal institutions to provide information on the measures they had implemented to promote the use of both official languages in regions designated as bilingual for language-of-work purposes (Part V of the Act).
- To evaluate compliance with Part VI of the Act, the proportion of federal employees from official language communities was compared with data from the 2006 Census, notably the proportion of Francophones in the National Capital Region, Francophones outside Quebec excluding the National Capital Region, and Anglophones in Quebec. The measures that federal institutions had taken to recruit members of official language communities were also taken into consideration.

TABLE 2
RATINGS TABLE

		Program management	Service to the public	Language of work	Equitable participation	Advancement and support	Overall rating
Scientific and technical	Agriculture and Agri-Food Canada	B	B	A	B	B	B
	Canadian Institutes of Health Research	D	C	C	B	A	C
	National Research Council Canada	D	C	B	A	E	D
	Natural Sciences and Engineering Research Council	C	B	B	A	D	C
	Social Sciences and Humanities Research Council	C	B	B	A	B	B
Economic development	Aboriginal Affairs and Northern Development Canada	C	E	B	C	D	D
	Atlantic Canada Opportunities Agency	B	B	B	B	A	B
	Economic Development Agency of Canada for the Regions of Quebec	B	B	B	D	A	B
	Infrastructure Canada	D	B	B	A	C	B
	Western Economic Diversification Canada	A	B	B	A	A	B
Cultural	Canada Council for the Arts	B	B	B	A	A	B
	Canadian Heritage	C	B	A	A	A	A
Central agency	Treasury Board of Canada Secretariat	B	A	C	A	C	B

N.B.: The federal institutions' results are given as letters that correspond to the following scale: A = Exemplary, B = Good, C = Fair, D = Poor, E = Very poor. For more information on how institutions were evaluated, please see the rating guide on the Office of the Commissioner of Official Languages' Web site at www.officiallanguages.gc.ca.

RESULTS OF OBSERVATIONS

The Office of the Commissioner of Official Languages made observations in person, by telephone and by e-mail of the institutions that it evaluated.

Most of the observations were made between January and March 2011. Each institution provided the Office of the Commissioner with a list of its bilingual offices from which a random sample was chosen by Statistics Canada for observation.

The observations in person assessed the availability of bilingual visual active offer (posters, pictograms, publications), verbal active offer in person (bilingual greeting such as "Hello, bonjour") and service in the language of members of the official language community.

The observations by telephone assessed the availability of bilingual active offer by an automated system or an employee ("Hello, bonjour"), and the availability of service in the language of members of the official language community.

The observations by e-mail assessed the availability of service in both official languages, based on the number of e-mails sent. The number of replies in one language was compared to the number of replies in the other language, for the same number of requests. Also observed was the average time taken to reply in one language as compared to the other, in order to determine whether the response time was similar.

TABLE 3
RESULTS OF OBSERVATIONS ON SERVICE 2010–2011

		IN PERSON			BY TELEPHONE		BY E-MAIL	
		Visual active offer (%)	Active offer (%)	Availability of service (%)	Active offer (%)	Availability of service (%)	Availability of service (%)	Appropriate response time (%)
Scientific and technical	Agriculture and Agri-Food Canada	90	37	75	88	100	90	59
	Canadian Institutes of Health Research	93	57	98	100	100	57	13
	National Research Council Canada	94	39	88	85	83	67	23
	Natural Sciences and Engineering Research Council	100	33	100	100	100	38	67
	Social Sciences and Humanities Research Council	100	35	100	53	100	**	**
Economic development	Aboriginal Affairs and Northern Development Canada	71	22	51	83	78	**	**
	Atlantic Canada Opportunities Agency	97	63	98	96	81	57	35
	Economic Development Agency of Canada for the Regions of Quebec	92	65	98	96	100	90	35
	Infrastructure Canada	*	*	*	100	100	80	51
	Western Economic Diversification Canada	86	40	93	100	100	67	59
Cultural	Canada Council for the Arts	100	43	100	100	100	**	**
	Canadian Heritage	92	52	100	100	97	78	44
Central agency	Treasury Board of Canada Secretariat	*	*	*	100	100	**	**

* The Office of the Commissioner of Official Languages was not able to make observations in person for this institution, because it does not provide service to the public in person.

** Given the low number of responses obtained during the Office of the Commissioner of Official Languages' e-mail observations, the results of these observations are not available.

N.B.: For more information on how institutions were evaluated, please see the rating guide on the Office of the Commissioner of Official Languages' Web site at www.officiallanguages.gc.ca.

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